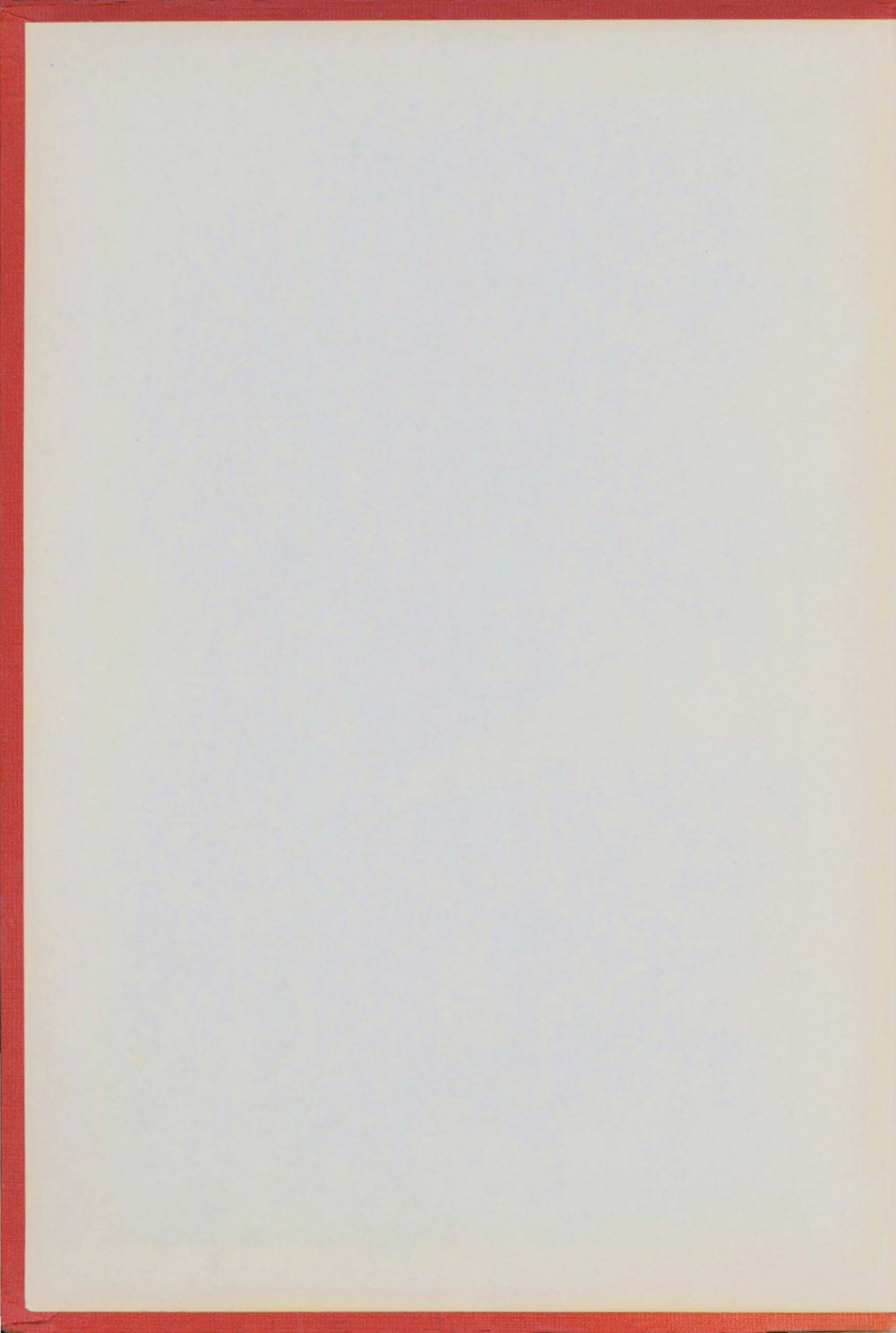


NO MAN'S LAND



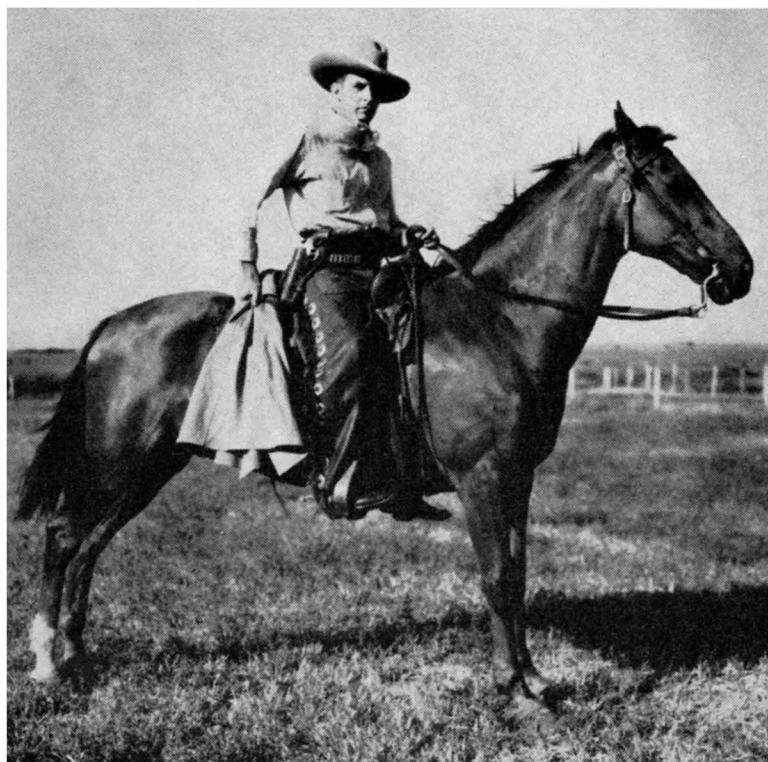
by
George Rainey



George Rainer,



NO MAN'S LAND



NO MAN'S LAND

The Historic Story
of
A Landed Orphan

By

GEORGE RAINEY

Enid, Oklahoma

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DEDICATED
To
THE PIONEERS

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INTRODUCTION.

In all the broad expanse of the inhabitable earth there is, perhaps, no other equal area which has been so overlooked by all the land-hungry world as that relatively diminutive tract encompassed by the states of Colorado, Kansas, Oklahoma, Texas and New Mexico known as No Man's Land. Surrounded by commonwealths of such magnitude, this bit of hemmed-in territory does indeed appear small; but had it been dropped down on another part of the continent and found rest near the mouth of the Hudson, as compared with states of that section it would have assumed quite different proportions; for it is larger than either the states of Rhode Island, Delaware or Connecticut.

In no civilized country other than in the care-free United States of America could a land area larger than an old-world principality have thus been passed by and left unnoticed and apparently forgotten for half a century—a maverick among states—corralled but unbranded. Wars have been waged; national boundaries have been changed; empires have fallen and kings have been dethroned for the possession of countries smaller than No Man's Land.

Converging upon its four sides about all the elements of American civilization met and confronted each other. Without, all around, law and established order prevailed, while within its borders, absolute freedom from civil government—anarchy as it were—held sway. Even on the east where the Indian had taken his last stand, courts exercised jurisdiction. On the west was the eastern fringe of the Spanish-American settlements, the beginnings of which antedate the debarkation of the English adventurers at Jamestown. On the south was master and slave, and on the north lay that territory the

organization of which inaugurated the final conflict which swept away acts of Congress and gave America a "new birth of freedom." Spanish-American civilization from the west met Anglo-American civilization from the east; chivalry and state sovereignty from the south met Plymouth freedom and national sovereignty from the north. Here was no master, no slave; no ruler, no citizenship; no rule of church, no law of state. Here the American Indian could stand amidst a human amalgam and feel that primitive freedom enjoyed by his progenitors before the coming of the white sails from across the sea. No Man's Land was as immune from national or state law as any lonesome isle of the Pacific Ocean. And all this—this landed orphan; this outcast; this forgotten and neglected spot; this beautiful region of fertile valleys and verdant plains—in the very heart of America and within a few hundred miles of the geographical center of the United States.

Such a place, beyond the pale of law, naturally attracted an element who sought safety from prosecution from crimes elsewhere, but these were in a hopeless minority. The people who settled No Man's Land were predominantly of sturdy integrity. Though representing discordant and divergent elements, they met on a common level, mingled, communed, neighbored; and gave to the world a fine example of what industry, self restraint, common sense and a spirit of fair play can do for any community, large or small, when such characteristics predominate.

Whence came No Man's Land? What forces of nature; what fires of human ambition; what great events were antecedent to the complete isolation, for so long a period, of so large a section of country as that embraced in No Man's Land?

The lust for empire; the thirst for gold; the quarrels of kings; the lure of adventure; the antiquitous question of bond and free; Wolfe at Quebec; Crockett at the Alamo; Houston at San Jacinto; Scott at Vera Cruz. All these and more than these were but rivulets pouring their accumulations into the great stream of history which flows on and on, never ceasing, ever changing—No Man's Land being but a tiny shell cast forlorn upon its brink.

To trace these causes; to follow this bit of earth in its turbulent pilgrimage from the time the first white man stepped upon its soil, and to relate some of the many stories of human interest peculiar to the conditions which only there prevailed, will be the effort of the pages that follow.

Enid, Oklahoma, 1937.

George Rainey.

“NO MAN’S LAND”

Yes, stranger, they call me No-Man’s-Land,
Because it’s God’s own country and not the land of man.

It’s big, and wide and high;
And way out yonder just beyond the sky
Where heaven comes down and meets this land of God,
The blue of heaven becomes the green of sod.

And heaven and earth commune. And God is there.
And all is calm and still and sweet,
For God comes down in No-Man’s-Land,
And earth and heaven meet.

And out of all the land of earth
God loved this land the best
He kept this tiny strip for his
And gave to man the rest.

For this is No-Man’s-Land—but God’s.
And when you’re living here,
You feel his presence in your heart
And know that God is near.

And somehow here your heart is filled
With love of God and man.
You feel it is a sacred place
Out here in No-Man’s-Land.

And, stranger, when my time has come
To take my last long sleep
I want to lie in No-Man’s Land
Where earth and heaven meet.

—J. L. Pryor.

THE BEGINNINGS.

To follow adequately the tortuous trail of No Man's Land from its beginnings we must go beyond the ocean to that jutting out of southwestern Europe known as the Iberian Peninsula and to that part of which modern historians call Spain. Spain—the land of the Iberians, Celts, Romans, Barbarians, Goths, Moors and Christians. Passing quickly over all the dramatic events of the centuries throughout which these and others acted their exciting roles, we must visit that ancient capital of the old Moorish kingdom, the site of the last stand made by the Moors against the besieging Christians under the Spanish sovereigns, Ferdinand and Isabella. Though now but a living ruin it is still a city of beauty and absorbing interest. Here may be seen the ruins of the old Moorish palaces where ancient princesses looked from their windows between the towers and over the massive red walls at the snow-clad Sierras which were made the whiter by the “darker background of firmament.” Who of America would not be delighted to view the plazas, the gardens and the old Roman bridge leading to the Alhambra, or to repair to the tomb of Isabella and stand in quiet contemplation in the thought that here lie the remains of the noble woman who made possible the discovery of America? The American tourist in Europe who passes by Granada misses one of the places of most absorbing interest to be found on that continent. For here is the genesis of America and of No Man's Land.

Less than a year after the discovery of America, Pope Alexander VI. undertook, by the promulgation of a papal bull, to divide all the lands in the new-found world between the two countries forming the Iberian Peninsula—Spain and Portugal—by declaring that all such lands found lying east

of a north and south line one hundred leagues west of the Azores Islands should belong to Portugal and all west of such line to Spain. This proclamation, in effect said to all other nations "Stay out. America belongs to Spain and Portugal." Moreover, it virtually said to Portugal also, "Stay out. America belongs to Spain." For the line designated did not touch any part of the main land of America. The dissatisfaction of Portugal with this one-man arrangement led to the conclusion of an agreement between the two nations in June, 1494 by the terms of which the line was shifted westward to a point three hundred and seventy leagues west of the Cape Verde Islands. This new agreement resulted in Portugal's securing Brazil, though at the time of the agreement, neither of the contracting nations knew of its existence. Neither this papal bull nor the agreement which followed was of any real force or effect, for other nations went right on discovering, exploring and claiming lands in the New World.

The English, ever aggressive and alert, struck America a broadside, settling the Atlantic coast from New England to the Carolinas. The French, a trifle late on the scene, ascended the St. Lawrence, traversed the portages and slowly possessed the eastern parts of the upper Mississippi valley, while the Spanish, for a time, contented themselves in North America by exploring and occupying the coast lands of the Gulf of Mexico. The Aztec civilization in Mexico was promptly destroyed by Cortez where the Montezumas perished forever. In August 1521 the conqueror entered the City of Mexico in triumph and that ancient city, together with the rich province of which it was the capital, passed under the weight of the Spanish yoke from which it was not to be freed for three centuries.

Adventurous explorers returning to Mexico reported of wonders to the northward. One Marcos De Naza, a Francis-

can missionary, claimed that he had discovered a rich and powerful country far to the north inhabited by a people whose capital was Cibola, the chief of seven cities abounding in gold and precious gems. Accordingly Coronado was dispatched with about three hundred and fifty Spaniards and nearly a thousand Indians for the conquest of this rich domain. This memorable expedition traversed Arizona, New Mexico, Kansas and Oklahoma and there is practically no doubt that he crossed the narrow strip of northwest Oklahoma which forms the handle to the pan, thus affording Spain the basis for its claim to No Man's Land. While Pope Alexander VI. by papal bull claimed No Man's Land for Spain in 1493, Coronado strengthened that claim by actually crossing the strip in 1541 and was, so far as history reveals, the first white man to traverse this region. The coming of the early Spaniards afforded the Indians their first sight of horses and of men on horseback. They looked upon the strange spectacle—man and horse—as “one mysterious being and listened to the discharge of their guns as thunder and lightning from angry gods.”

LA SALLE STAKES A CLAIM.

Though De Soto was traversing the everglades of Florida, Alabama and Mississippi at the very time Coronado was pursuing his vain search for the Seven Cities of Cibola, and actually crossed the Father of Waters in May, 1541, to be a little later entombed within the bosom of its waters, the herculean task of exploring that mighty stream to its confluence with the Gulf of Mexico was left to a Frenchman. It is doubtful whether in all history there has been another man who, encountering so many seemingly unsurmountable difficulties, traveled so far and opened trails to so many and so widely-separated regions as did that indomitable explorer *Sieur De Rene Robert Cavalier La Salle*. Landing in Canada in 1666 at the age of twenty-three, he procured a large tract of land a few miles above Montreal. Here he learned from the Indians of a mighty river which they called "Ohio" whose waters, at a distance of some eight months' journey, reached the sea. La Salle at once conceived the belief that this sea could be none other than the Gulf of California and that a route to China might be found by sailing thence. This belief, at that early date was not an unreasonable one. A few years ago in northeastern Utah I came upon a monument not far above the mouth of Bear River erected to commemorate a bull-boat voyage made by Jim Bridger on a wager that he could navigate the river from a certain point to its mouth in such craft. He won the wager; but when he floated out into Great Salt Lake and discovered the water to be salty, he thought it to be an arm of the Pacific Ocean. This was as late as the early part of the nineteenth century.

La Salle at once determined to trace the river to its mouth. Procuring four canoes and hiring fourteen men he ascended

the St. Lawrence and reached the western end of Lake Ontario from which point, for about two years, he explored the surrounding country. Reaching a branch of the Ohio he later entered that river and descended to about or a little below the rapids near Louisville, where he was deserted by his men and returned alone to Lake Erie. In 1671 he launched another expedition, this time by the Detroit River, Lake Huron and Lake Michigan, thence over the portage to the Illinois River. He returned, however, in 1673 to Montreal and made two trips to France in 1674 and 1677 where he raised funds and returned to America with thirty men and equipment for a more auspicious expedition. In December 1681 he crossed the Chicago Portage to the Illinois River and following the frozen river on sledges to Lake Peoria, floated down to the Mississippi which he reached in February. He passed the mouths of the Arkansas and Red Rivers and finally arrived at the Gulf of Mexico where he made formal claim to the river and to all of the land it drained in the name of his sovereign Louis XIV. of France. He returned again to France where he explained his plans for colonizing the new country. He was provided with four ships and again sailed away for America in July, 1684, intending to approach the Mississippi from its mouth. Becoming confused by the numerous inlets and bayous, the mouth of the Great River was passed by and a landing was finally made at Matagorda Bay where a colony was established on Lavaca River. Search for the Mississippi by land failed and La Salle was finally slain by one of his own men, the result of a mutiny. At Port Lavaca, some thirty years ago, I saw an old rusty anchor which had been dragged from the waters of the bay. This anchor is about four feet in length and so eaten by rust that its entire outer surface is as rough as the bark on a hackberry. Many believe this to be from one of La Salle's ships which anchored there for a time during the winter of 1684-'85. All of La Salle's dreams

of personal gains came to naught, but for France he established a claim to a vast region which was not finally released until the purchase of Louisiana by the United States one hundred and twenty-one years later.

La Salle's Proclamation.

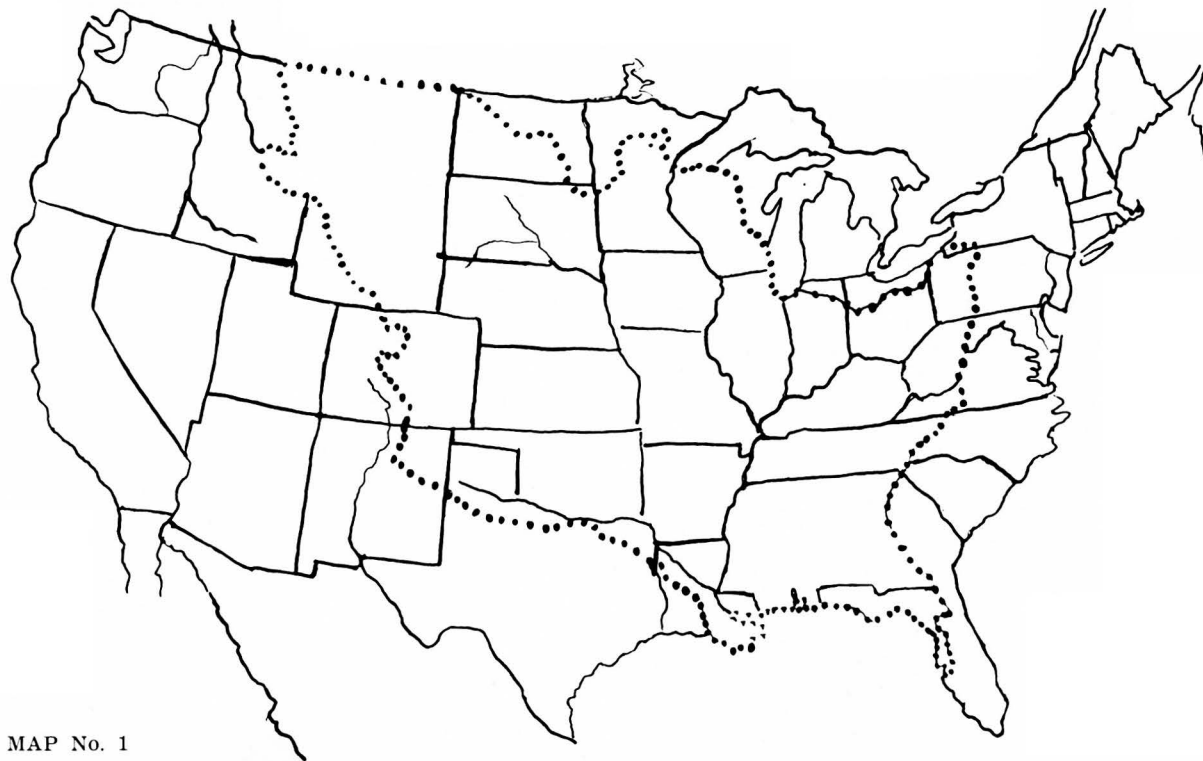
On that April day, 1682 when La Salle stood at the junction of the Mississippi with the Gulf of Mexico, he stood in the presence of his entire party and after the chanting of the *Te Deum*, and firing a salute, accompanied with cries of "*Vive Le Roi*," he erected a column, and standing near, said in a loud voice:

"In the name of the most high, mighty, invincible, and victorious prince, Louis the Great, by the grace of God, king of France and of Navarre, fourteenth of that name, this ninth day of April, one thousand six hundred and eighty two, I, in virtue of the commission of His Majesty which I hold in my hand, and which may be seen by all whom it may concern, have taken, and do now take, in the name of His Majesty and of his successors to the crown, possession of this country of Louisiana, the seas, harbors, ports, bays, adjacent straits, and all the nations, people, provinces, cities, towns, villages, mines, minerals, fisheries, streams, and rivers comprised in the extent of said Louisiana, from the mouth of the great river St. Louis on the eastern side, otherwise called Ohio, Align, Sipore, or Chukagona, and this with the consent of the Chaonanons, Chickachas, and other people dwelling therein, with whom we have made alliance; as also along the river Colbert, or Mississippi, and rivers which discharge themselves therein, from its source, beyond the country of the Kious or Nadoucessions, and this with their consent, and with the consent of the Motantes, Illinois, Mesi-

ganeas, Natches, Koroas, which are the most considerable nations dwelling therein, with whom also we have made alliance, either by ourselves or by others in our behalf, as far as its mouth by the sea, or Gulf of Mexico, about the twenty-seventh degree of the elevation of the North Pole and also to the mouth of the river of Palms; upon the assurance which we have received from all these nations that we are the first Europeans who have descended or ascended the said river Colbert; Hereby protest against all who may in future undertake to invade any or all of these countries, people, or lands, above described, to the prejudice of the rights of His Majesty, acquired by the consent of the nations herein named, of which, and all that can be needed, I hereby take to witness those who hear me and demand an act of the notary as required by law."

From the above it is seen that the claim of La Salle was specific. All the boundaries of the region claimed were mentioned in terms. It included all the land drained by the Mississippi River and by all the tributaries of that river. It did not include any of the lands west of the Mississippi which were not so drained. The boundary on the west was therefore easily determined, being the dividing line between the waters reaching the Mississippi on the one side and those reaching the Pacific Ocean, and the Gulf of Mexico west of the mouth of the Mississippi on the other. It did not include any of the lands drained by waters that reached the Atlantic Ocean, but did include the entire eastern part of the drainage basin of the Mississippi, together with the lands the waters from which reached the Gulf of Mexico east of the mouth of the Mississippi. From this it is observed that La Salle's original claim included all of the following states: Alabama, Mississippi, Kentucky, Arkansas, Missouri, Iowa, Tennessee,

Oklahoma, Kansas and Nebraska; nearly all of Montana, South Dakota, Illinois, Indiana, and West Virginia; and parts of North Dakota, Ohio, Pennsylvania, Georgia, Texas, Colorado, Wisconsin, Minnesota, Florida, New Mexico, Wyoming and Louisiana, with small tips of Virginia and New York. No Man's Land was included in this vast region, the extent of which La Salle himself had but slight conception. (See map 1.)



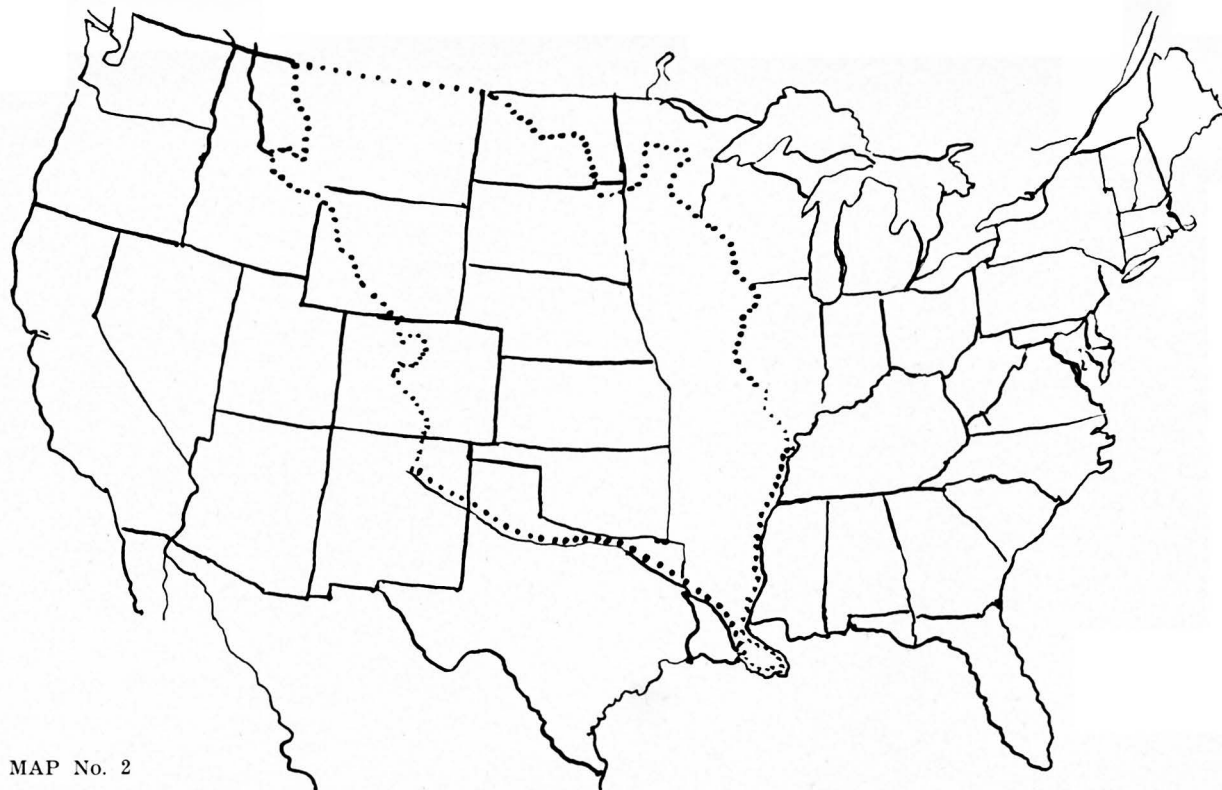
MAP No. 1

Territory of Louisiana 1682 to 1762 and as proclaimed by La Salle April 9, 1682 (shown inside dotted area). The entire territory was ceded by France to Spain November 3, 1762.

EVENTS AFFECTING NO MAN'S LAND.

Eighty-one years rolled by during which time many events occurred, both in America and in Europe, too many to attempt to relate here. But that which most affected America and No Man's Land was the Seven Years War in Europe in which England, France, Prussia, Austria, Spain, Bohemia and Saxony were embroiled. This long-drawn-out conflict was not confined to Europe, but because of the participation of France and England both of which nations laid claim to identical lands in America, the flames of war leaped the Atlantic where they were finally extinguished by the blood of Wolfe and Montcalm on the Plains of Abraham. France, viewing with prophetic eye the turns of fate, by treaty in November, 1762, ceded the entire Louisiana country to Spain. This was followed in February, 1763, by the Treaty of Paris which left France without a square foot of earth on the main land of North America; for by the terms of that treaty all of Canada was taken over by Great Britain, and France and Spain joined in relinquishment to the same power all of the Louisiana country east of the Mississippi except New Orleans which had already been ceded to Spain.

While the treaty of 1763 decreed that the Louisiana country west of the Mississippi should become the property of Spain, it only confirmed the agreement previously entered into between that country and France. Florida, the greater part of which had up to this time been under Spanish dominion was ceded to Great Britain. The treaties of 1762 and 1763 dealt in lands on a large scale; but the negotiators neither knew nor cared aught about No Man's Land which was being tossed about like flotsam.



MAP No. 2

Territory of Louisiana 1762 to 1800. Territory shown inside dotted area represents that which was actually delivered to Spain by France April 21, 1764 under treaty of November 3, 1762. Louisiana Territory east of the Mississippi River was ceded jointly by France and Spain to Great Britain February 10, 1763.

Following the loss of Canada and the surrender of all claim to lands east of the Mississippi, France entered into another treaty with Spain in April, 1764 reaffirming the latter in her right to the Louisiana country west of the Mississippi and to the small bit of territory on the east side and near the mouth of that stream on which is situated New Orleans. This was the third treaty within a year and a half, dealing with No Man's Land to which France was signatory and confirmed the Spanish title to the lands shown on map No. 2.

Just here is a bit of history, while not directly related to No Man's Land, yet in the opinion of the author, should not be omitted. The Treaty of Paris, 1763 gave to Great Britain not only Canada, but all the lands south of Canada and east of the Mississippi River except that bit of territory on which was situated the City of New Orleans. (See map No. 2) To neither France nor Spain was left any territory south of the Great Lakes and north of the Gulf of Mexico on the main land of North America other than above mentioned. But another war was to be fought, terminating in the surrender of Cornwallis at Yorktown to General George Washington which made possible the United States of America. With no apology I here insert my favorite eulogy on Washington. This was found, several years after the death of that great and good man, written on the back of an old likeness of the General. Its authorship is unknown:

Washington.

The defender of his country,
The founder of liberty,
The friend of man.
History and tradition are explored in vain
For a parallel to his character,
And in the annals of modern greatness
He stands alone.

Called by his country
To the defense of her liberties,
He triumphantly vindicated
The rights of humanity,
And on the pillars of National Independence,
He laid the foundation of a great republic.

Twice elected to the supreme magistracy
By the unanimous vote of a free people,
He surpassed in the cabinet
The glories of the battlefield,
And voluntarily resigning the scepter and the sword,
Retired to the shades of private life.

A spectacle so new and so sublime
Was contemplated with profoundest admiration,
And the name of WASHINGTON,
Adding new luster to humanity
Resounded to the uttermost parts of the earth.

Magnanimous in youth,
Glorious through life,
Great in death.
His highest ambition the ennobling of mankind,
His greatest victory the conquest of himself.
Bequeathing to posterity the inheritance of his fame,
And building his monument in the hearts of his country-
men,
He lived, the ornament of the eighteenth century,
And died, regretted by a mourning world.

The Treaty of Paris of 1783, just twenty years following the peace of 1763, freed the English colonies in America of British rule and lost to Great Britain forever her territorial claim to all the lands south of the Great Lakes to the Gulf of Mexico and from the Atlantic Ocean to the Mississippi

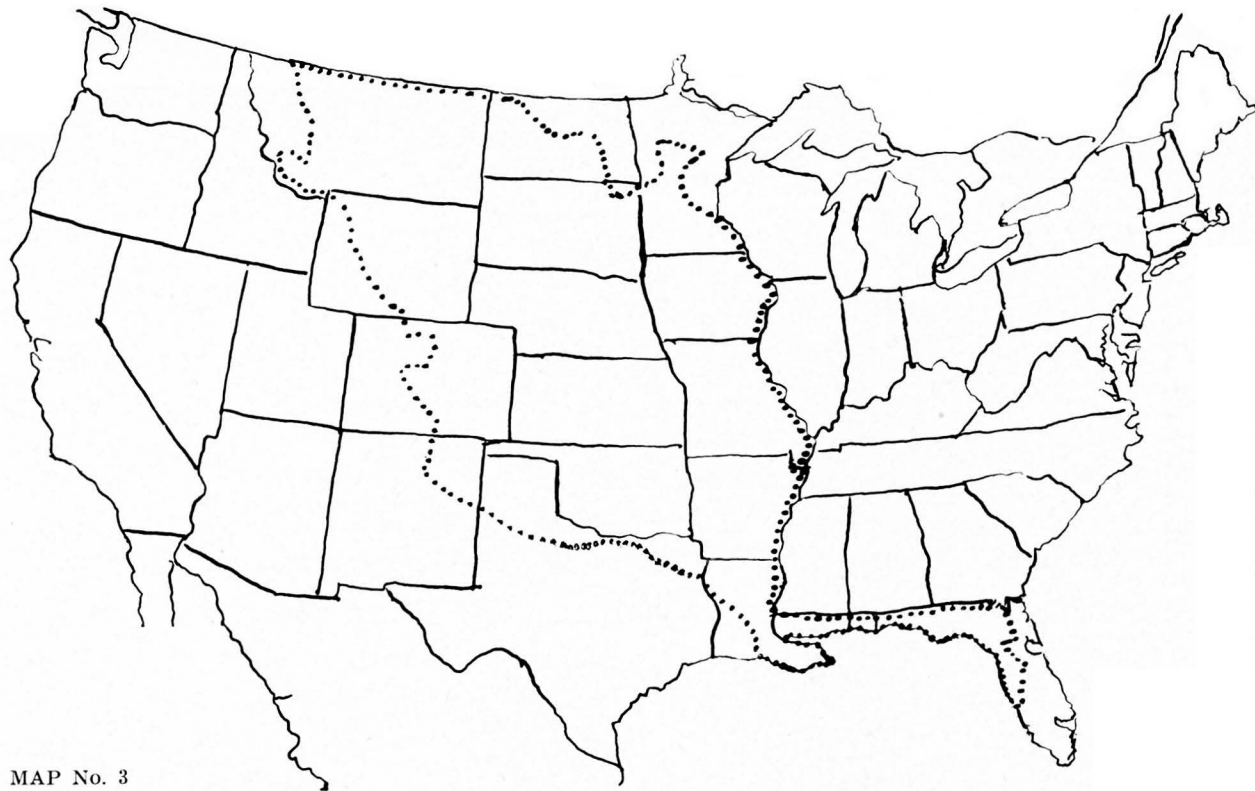
River. Let us trace the western and southern boundaries of the New United States as set out by that treaty:

“From a point west of the Lake of the Woods, south to the head waters of the Mississippi River; thence down that river to the thirty first parallel of north latitude; thence due east on that parallel to the Apalachicola River; thence down the middle of that stream to the Flint River; thence to the head of St. Mary’s River; thence down the middle of that river to the Atlantic Ocean.”

It is here seen that the southern limits of the United States were fixed as not extending south of the thirty first parallel of latitude; but on that same date Great Britain receded to Spain all that territory south of the southern boundary of the United States as above described. (See map No. 3.)

But the powers were as yet by no means through with No Man’s Land. By secret treaty entered into in October, 1800, the “colony or province of Louisiana with the same extent that it had in the hands of Spain and when France owned it”

was again retroceded to France by Spain. This was known as the Treaty of San Ildefonso. This treaty was an affair of secrecy the setting for which was in one of the luxurious rooms of the palace in the village of San Ildefonso, some thirty five miles northwest of Madrid, built in the early part of the eighteenth century by Philip V. of Spain. Here was enacted a drama portraying the ambition of kings, the hopes of a son-in-law of royalty and the despoilation of a kingdom that might well afford material for a modern scenario. No Man’s Land played a minor role in this. (The text of this treaty is found in Vol. 1, *De Clereq, Recueil des traites de la France, Paris.*)



MAP No. 3

Territory of Louisiana 1800 to 1803, (shown inside dotted area). This territory was retroceded by Spain to France by secret treaty of San Ildefonso of October 1, 1800. The territory south of latitude 31 and east of the Mississippi River had been retroceded by Great Britain to Spain in 1783.

Louisiana Purchase.

The story of No Man's Land thus far reveals that as yet the United States had made no claim to it. But now we approach the time when our own country is to come into ownership and control.

The treaty of San Ildefonso, as stated, was a secret one between France and Spain. Spain was no longer so formidable a power in Europe as was France. When the knowledge of the transfer of 1800 from Spain to France reached this side of the Atlantic, it aroused much concern. Official Washington was far from being pleased at the prospect of France's sovereignty over the Louisiana country. The reason for such apprehension and anxiety is easily understood. The Mississippi River furnished the only natural outlet for the products of the inhabitants of the United States living west of the Allegheny Mountains. After the Revolutionary War, settlers poured over these mountains and into the fertile valleys of the streams emptying their waters into the Mississippi. Transporting goods to the Atlantic seaboard from these parts was wholly out of the question. The Mississippi was their one and only natural highway to the sea. The United States owned the eastern banks of this stream while the Spanish possessions extended to the western banks. This was not a matter for much worry on the part of the United States, but by the Treaty of Paris of 1783 United States ownership of the eastern banks extended only to the thirty first parallel of latitude from which point the Father of Waters found its way to the Gulf of Mexico through wholly Spanish territory. Spain owned the Mississippi south of latitude thirty one degrees. This situation was the source of no little uneasiness on the part of the United States; for should Spain close the lower Mississippi to American shipments, western farm lands would be rendered practically worthless and the settlement

of the eastern drainage basin of that river would be seriously retarded. Agreement was had with Spain in 1795 which granted United States citizens the right of deposit at New Orleans for a period of three years. This meant that such citizens might unload and store their goods at that point awaiting the arrival of ships in which they could be exported, and this lessened the tenseness of the situation for the time. But now the three-year agreement had expired and there was no assurance that it would be renewed. Rumors were afloat to the effect that Spain was contemplating the recession of the Louisiana country to France. Referring to these rumors Jefferson said: "Nothing has produced more uneasy sensations throughout the body of the nation since the Revolution." At last came the confirmation that Spain, by secret treaty had already ceded the entire Louisiana country to France nearly two years before. Upon receipt of this news President Jefferson declared: "The day that France takes possession of New Orleans fixes the sentence which is to restrain her forever within her low water mark. It seals the union of two nations, who, in conjunction, can maintain exclusive possession of the ocean. From that moment we must marry ourselves to the British fleet and nation." On the top of all this came the additional information that Spain had withdrawn from United States citizens the right of deposit at New Orleans which had guaranteed to them the right to send their goods from that port without payment of duty. With no word from France that the situation might be remedied the Government at Washington resolved to act. Jefferson had appointed as minister to France Robert Livingston who had served with him on the committee of five which drafted the Declaration of Independence and in whom he placed the utmost confidence; but the crisis was deemed such that the president dispatched a helper to Livingston in the person of James Monroe with instruction to purchase New

Orleans and west Florida. If this could be accomplished all difficulties pertaining to the free use of the Mississippi would be solved. In giving Monroe and Livingston instructions Jefferson commissioned them to conduct "negotiations upon the outcome of which the future destinies of our nation hang." Before the arrival of Monroe in France, Napoleon, who had been advised by Livingston of the desire of his country to purchase New Orleans and west Florida said to his counselors: "They only ask of me one town in Louisiana; but I already consider the entire colony as lost, and it appears to me that in the hands of this growing power it will be more useful to the policy and even the commerce of France than if I attempt to retain it. Irresolution and deliberation are no longer in season. I renounce Louisiana. It is not only New Orleans that I will cede, it is the whole colony without any reservation. I direct you to negotiate this affair with the envoys of the United States. Do not even wait the arrival of Mr. Monroe. Have an interview this very day with Mr. Livingston."

Napoleon was then preparing for another war with England, and remembering France's experience with Canada, evidently decided that money was now of more value to him than was a distant province.

This proposition came as a distinct surprise to Monroe and Livingston. What were they to do? They had no instructions to go further than the purchase of New Orleans and west Florida, and here the way was open for the purchase of the whole of Louisiana. Some six months would be required to ask for and receive new instructions or approval from Washington. Many things could happen in six months. Napoleon might change his mind. In such a situation, dear reader, what would you have done? Here was an opportunity to buy the entire province for less than two and one-half



MAP No. 4

Territory of Louisiana 1803 to 1819 (shown inside dotted lines). This was the Louisiana Purchase Territory as asserted and maintained by the United States, as ceded to the United States by France by treaty of April 30, 1803.

cents an acre. Well, they bought Louisiana and trusted to the good judgment of America to ratify their action.

When the signed treaty at length reached Washington and was handed to President Jefferson he was surprised, delighted and perplexed. He had been elected on a platform of strict adherence to the Constitution and such a treaty could not be ratified without espousing the stand of the so-called Loose Constructionists who had opposed his election. . . . To shorten the story, the treaty was ratified and the ownership of the Louisiana territory passed to the United States—No Man's Land along with it.

We must here digress to refer to a matter which has been the source of much inquiry on the part of historians. The secret Treaty of San Ildefonso of 1800 retroceded to France

“the colony or province of Louisiana with the same extent it now has in the hands of Spain, and that it had when France possessed it, and as it should be after the treaty subsequently entered into between Spain and the other states.”

The treaty arranged between France and the American Commissioners in 1803, in describing the lands then ceded, employed the identical language cited above but with the addition:

“The French Republic has an incontestible title to the domain and to the possession of said territory.”

Thus, it appears plain that the United States bought all that part of the original Louisiana as claimed by La Salle and covering that part of the present United States east of the Mississippi River and south of latitude 31°. But the United States did not at that time obtain nor claim all of

such lands south of parallel 31^o, but stopped at the Perdido River about forty miles east of the west line of the present Alabama. The plain fact of history is that on its face it appears that the United States in this case, did not claim all of its own, but left that part east of the Perdido River in the hands of Spain after that country had clearly relinquished it to France. Florida was later (1819) purchased from Spain for five million dollars— one third of the price paid for all of the Louisiana country. Did the United States buy Florida twice? The country actually taken over by the United States from Spain and known as the Louisiana country is shown on map No. 4. In 1812 that part of these lands south of latitude 31^o and east of New Orleans as far as the Pearl River was annexed to Louisiana Territory and a little later, the remainder, i. e. the tract lying between the Pearl and Perdido Rivers was annexed to the Territory of Mississippi. In 1817 Congress divided this tract giving approximately one half of it to Alabama Territory. This was before the purchase of Florida in 1819.

By reference to map No. 4 it is seen that No Man's Land, together with the Texas Panhandle, southwestern Kansas, northeastern New Mexico and southeastern Colorado were all included in the Louisiana cession and therefore became the property of the United States. We shall see how these lands were a little later lost to the United States.

UNCLE SAM LOSES LAND.

Spain, it will be remembered, claimed the southwestern part of North America and her title to that section at the time of the Louisiana Purchase was uncontested. But no agreement had been entered into between that nation and the United States, particularly defining the exact boundary line between the possessions of the two countries so that a traveler might know when and where he passed from the possessions of one country into those of the other. After a few years Spain sought to have this line definitely established. Accordingly on February 22, 1819, a treaty was entered into between that country and the United States which definitely defined the territorial limits of each country as respecting the other. By the terms of this treaty the dividing line was defined as follows:

The boundary line between the two countries, west of the Mississippi, shall begin on the Gulf of Mexico, at the mouth of the Sabine River in the Sea, continuing north, along the western bank of that River, to the thirty second degree of latitude, thence by a Line due North to the degree of Latitude, where it strikes the Rio Roxo of Nachitoches, or Red River, then following the course of the Rio Roxo Westward to the degree of Longitude, one hundred West from London and twenty three from Washington, then crossing the said River, and running thence by a Line due North to the River Arkansas, thence, following the course of the Southern bank of the Arkansas to its source in Latitude forty two, North, and thence by that parallel of Latitude to the South Sea. The whole being laid down in Melishe's Map of the United States, published at Philadelphia, improved to the first of Jan-

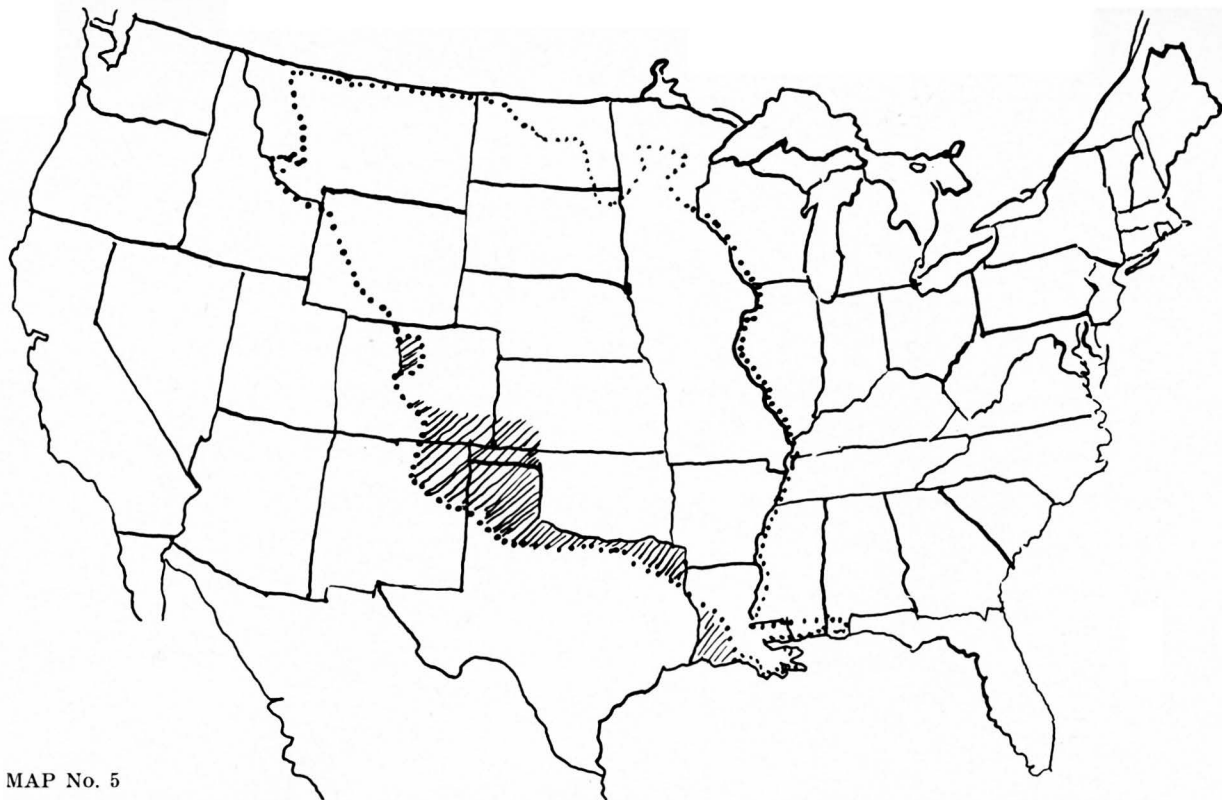
uary, 1818. But if the Source of the Arkansas River shall be found to fall North or South of Latitude Forty two, then the line shall run from the said Source due South or North, as the case may be, till it meets the said parallel of Latitude forty two, and thence along the said parallel to the South Sea; all of the islands in the Sabine and the said Red and Arkansas Rivers, throughout the Course thus described, to belong to the United States; but the use of the waters and the navigation of the Sabine to the sea, and of the said Rivers Roxo and Arkansas, throughout the extent of such Boundary, on their respective Banks, shall be common to the respective inhabitants of both Nations."

It will be well to examine the line thus described. Note that it begins at the mouth of the Sabine River and extends up that river to the thirty-second parallel of latitude. None of the lands east of that line and west of the Mississippi were ever claimed by La Salle except the relatively narrow strip which drained into the Mississippi. The land thus gained by the United States, by beginning the line at the mouth of the Sabine, includes more than one third of the present State of Louisiana.

From the point where the Sabine River touches the thirty-second parallel the line then extended due north to the Red River and then followed the south bank of that river to the one hundredth Meridian and from that point to the Arkansas River. Let us see what that did for the United States. Well, it cut off to Spain all of the lands south of the Red River and west of the one hundredth Meridian whose waters drain into the Red, the Canadian or the Arkansas. Placing the line at the Red River lost to the United States about twenty-one counties in northern Texas south of the Red, and by fixing the one hundredth Meridian as the boundary another section

west and south of Oklahoma was lost, including the entire Texas Panhandle, and the northeastern part of New Mexico. Its extension on northward to the Arkansas River lost the southwestern part of Kansas and approximately one-third of Colorado. The eastern boundary of No Man's Land was established by this treaty (1819).

It is evident that the treaty makers knew neither the latitude nor the longitude of the source of the Arkansas River which was found to be about one hundred and ninety miles south of the forty-second parallel. The line was therefore run due north from the river's source to that latitude. This both gained and lost territory to the United States. It lost a small area in southern Wyoming and gained another small area in north central Colorado. The loss came from the straight east-west line which cut off a small section in Wyoming which drains into the Mississippi, and the gain resulted from the other straight north-south line which ran west of a small area which drains into the Pacific. Grand River in Colorado has its source north and east of that of the Arkansas and the section of country drained by the head waters of the former was not within La Salle's claim. On the date of that treaty, 1819, No Man's Land again passed into the possession of Spain. (See map No. 5.)



MAP No. 5

Louisiana Purchase Territory as reduced by treaty with Spain of February 22, 1819, which provided for the purchase of Florida and the fixing of the Spanish-American boundary west of the Mississippi River. The territory covered by diagonal lines and inside the dotted lines was lost by the United States to Spain; that covered by diagonal lines and outside the dotted lines was gained by the United States from Spain.

FROM SPAIN TO MEXICO.

No Man's Land did not long continue as an appendage of Spain, for at the time of the promulgation of the treaty of 1819 her American province of Mexico was and had been for some fifteen years in periodic outbursts against Spanish rule. The divisions of opinions in Mexico, the uneducated state of the people, the mixture of races, Mexicans, Spaniards, Creoles and Indians with all their varied ideas of Government, religion, habits and superstitions, rendered the population at once such that most anything might happen. But gradually the idea of independence from the mother country gained ground. Spain continued to lose its station as one of the great powers of Europe. One day in February, 1821 while stationed with his army at the town of Iguala, Iturbide proclaimed what was known as the Plan of Iguala which had for its principles: "Independence, maintenance of the Roman Catholicity and Union." His army henceforth assumed the name of the "Army of the Three Guarantees." Mexican independence may be dated from that act. Having left the City of Mexico a few months before with a small army of some 2,500 he returned in November following his declaration with a force of 16,000 men. After some time he was himself proclaimed emperor and thus became the first emperor of the Mexican Empire in May, 1822. The empire was short-lived. Iturbide was virtually forced to abdicate and in October, 1824 Mexico, by the adoption of a federal constitution became the Republic of Mexico. Within a period of less than four years No Man's Land had been a part of Independent Mexico under a regency, the Empire of Mexico and the Mexican Republic.

AS PART OF MEXICO.

As part of the Republic of Mexico No Man's Land was destined to remain until Texas, one of the important provinces of that republic revolted and gained her independence. This status continued for a period of fifteen years.

At this point in our narrative, it may be well to go afield for a few moments and mention an age-old land claim which Great Britain once asserted to a large part of Texas.

The failure of Sir Walter Raleigh in his effort at founding a colony in Carolina in the latter part of the sixteenth century was followed by another effort at colonizing that part of the American coast when in 1630 Charles I. of England made a grant of land in America between latitude 31 and 36 degrees to Sir Robert Heath, to be known as Carolina. He failed or neglected to make use of this grant whereupon Charles II, in 1663, granted the same territory to eight "Lords Proprietary" between the same degrees of latitude extending from the Atlantic to the Pacific Ocean. In 1665 this grant was enlarged by moving its southern boundary two degrees south and its northern boundary one half of one degree north which fixed the northern boundary at 36° 30' north latitude. This line happened to be the identical line which, nearly two hundred years later, was made the south boundary of No Man's Land. It is observed that this grant greatly overlapped the claims of both France and Spain. England's claims to lands awarded in this grant west of the Mississippi were never seriously pressed; but at the conclusion of the Revolutionary War when Great Britain surrendered her claim to all lands south of Canada and East of the Mississippi, the then states of America which fell within the

limits of the grant east of the Mississippi at once asserted ownership. All lands included in this grant west of the Mississippi to the eastern boundary of the Spanish possessions of course fell within the limits of the Louisiana Purchase, and later within the Spanish possessions as defined by the treaty of 1819. All the lands of Texas north of latitude 29 and south of No Man's Land (all of the state from a line drawn east and west about twenty five miles south of Galveston) were covered by this grant. I know of no act of Parliament or edict of a British sovereign relinquishing claim to the old grant, but as no attempt was ever made to enforce it, it may be considered a nullity in so far as it relates to the history of Texas.

EARLY LAND GRANTS.

Before the Independence of Mexico, Spain had evolved a public land system whereby immense bodies of land were parceled out to companies or individuals for the purpose of inducing settlement. Practically all of southern Texas was thus granted. This system, with some modifications, was adopted by the Republic of Mexico following its independence and other large tracts were thus granted. As No Man's Land was for some time a part of that republic it came under that system and a goodly part of its area was, long before the coming of even the cattlemen into the country, parceled out to empresarios or contractors, the grants specifying that the contractor should within a specified time settle upon the lands so granted a certain number of families. Very little was charged an applicant who received land from the empresario, a small fee and the expense of surveying his allotted tract being about all. The Empresario or contractor, before obtaining a grant, was required to present an application or petition to the governing power setting out certain facts to the effect that he was a person possessing the qualifications requisite to secure the grant. As a rule his profit from the enterprise consisted in premium lands over and above lands necessary for the settlement of the specified number of families. If all went well, the contractor was on his way to wealth; if he failed in his enterprise the lands were forfeited. Mr. Charles Margo, an abstractor of Boise City, has kindly furnished me a complete record of one of the grants covering all of Cimarron county. This was known as the Jose Manuel Royuella and John Charles Beales Grant, also as the Arkansas Grant. This grant was made by the governor of the states of Coahuila and Texas in 1832, these two states of the

Mexican Republic being then under one governor. The complete record is all too long to insert here; but that the reader may be informed as to the manner of obtaining and terms of these old grants, excerpts from it are here given:

Petition.

To His Excellency, the Governor of the State of Coahuila and Texas:

Sir: The Citizen, Jose Manuel Royuella, a native of Saltillo, and there married, and John Charles Beales, a native of England, settled in Mexico, and there married to a Mexican subject having children, with all due respect to your excellency.

That being very desirous of augmenting the population, wealth and power of the Mexican nation, and at the same time of affording to a certain number of virtuous and industrious families the means of beginning an honorable subsistence by cultivating a tract of land in the ancient province of Texas, and being moreover acquainted in full with the colonization laws passed by the Honorable Legislature of the State on Mar. 24, 1825, by which "empressaries" or colonizing contractors are allowed to undertake to colonize under the conditions and stipulations by said law prescribed, and being anxious to form an establishment that may be useful to a new colony, and at the same time beneficial to the State, on account of the advantage to accrue thereout.

We pray your Excellency to accept us as such "Emissaries" or colonizing contractors, and to permit us to introduce unto the State within the time that may be stipulated two hundred catholic families of moral and industrious habits and for the object request that your Ex-

cellency will be pleased to grant us the tract of land included within the following limits, viz:

Beginning at a land mark set upon the thirty-second degree of North Latitude which is crossed by the Meridian of the One Hundred and Second Degree of Longitude west from London, said spot being at the southwest corner of the grant petitioned for by Colonel Reuben Ross; from thence proceeding west along the parallel of the thirty-second degree of latitude as far as the eastern boundary of New Mexico; from thence running north on the boundary line between the provinces of Coahuila and Texas, and New Mexico, as far as twenty leagues south of the River Arkansas; from thence east to the Meridian of the One Hundred Second degree of Longitude which is the western boundary of the grant petitioned for by the said Colonel Reuben Ross; and from thence proceeding south as far as the place of beginning.

Your petitioners as Emissaries pray for this grant of land on the said conditions that it was formerly given to the late Stephen Julian Wilson whose term of six years is about to expire on May 26 of this year, without the conditions of the grant having been fulfilled, in consequence of the death of the grantee.

Besides the conditions which are required by the colonization law of the State the Emissaries and their settlers agree to observe the Constitution of the Mexican Nation and the private constitution of the State, as well as the general and local laws which have been or shall be hereafter promulgated.

They further bind themselves to comply with the conditions on which this petition is granted and to take up arms in the defense of the rights of the Nation against

the savage Indians, or any other enemies who may attack the country, or in any matter to alter its form or government or disturb the public tranquility.

And finally to prevent the inhabitants of the United States of North America from trading with the said Indians, and providing them with arms and ammunitions in exchange for horses and mules.

Wherefore we pray your excellency to be pleased to grant this respectful petition, which we shall consider as a favor conferred on us.

Done at Saltillo the 13 day of March, 1832.

Jose Manuel Royuella.

John Charles Beales.

This grant was made under the following conditions:

Conditions of the Grant.

Terms on which the Supreme Government of the State accept the proposal of the citizens, Jose Manuel Royuella and John Charles Beales, for colonizing certain land with two hundred families (foreign) such as are not accepted by the general laws of April 6, 1830.

Art. 1 The Government accepts the proposal made in the foregoing petition, so far as it is conformable to the law on colonization passed by the Honorable Congress of the State on Mar. 24, 1825, and consequently assigns to the petitioners the tract of land included within the following limits, that they establish themselves there in the proposed colony.

(Same land description is here given)

Art. 2 Though the boundaries of the tract set forth in the preceding clause are precisely the same as those assigned to Stephen Julian Wilson in a grant passed by this government on May 22, 1826, yet this circumstance has not been considered an impediment to entering into the present contract, inasmuch as the time allotted to the said Wilson for the completion of his enterprise will in the month of May of this present year, expire without his having to this day performed the same or any part whatsoever. But, if however, in the short time that has to elapse any member of the families of that Empresario should present themselves then and in that case the present grant shall with due respect to the part or parts performed by the first grantee thereof, be null and void to all intents and purposes.

Art. 3 In consideration of the grant hereinbefore specified, the Emissaries or contracting parties agree to introduce and settle on their own account two hundred foreign families, conforming themselves as well to the general laws of the Republic as to the laws of the State in this behalf provided.

Art. 4 All lands whatsoever held under legal titles, that may be included within the limits designated in the article 1, shall be respected by the colonists, who shall hold under this contract, and it shall be obligatory on the part of the Empresarios to see to the observance of this clause.

Art. 5 The state retains to itself the right of property over all the surplus lands which shall remain of this grant after the laying off those which belong to the Empresarios and their settlers according to the laws in that behalf provided.

Art. 6 In conformity with Article eight of the colonization laws herein referred to the Empressarios are bound to introduce the stipulated number of two hundred families within the term of six years which shall be completed from the date hereof under penalty of being debarred all the privileges afforded by said land.

Art. 7 It shall be obligatory on the Empressarios not to introduce or suffer to remain in the colony men guilty of atrocious crimes, or of bad conduct, as also to endeavor that no person whatsoever shall carry on traffic in arms and ammunitions with the barbarous tribes of Indians in exchange for horses and mules.

Art. 8 Whenever there shall be sufficient number of men, the National Militia shall be duly organized and regulated according in that respect provided.

Art. 9 The colony shall be regulated by the person whom the government shall appoint to all—at the respective settlements or possession, and he shall duly observe the laws on colonization in force throughout the state, the general laws of August 18, 1824, and likewise the instructions to Commissioners which have been appointed by the Honorable Congress, taking special care to afford protection within the limits of the colony to such persons only as shall be approved by the said Empressarios.

Art. 10 All official communications, instruments and other public documents emanating from the colony must be written in the Spanish Language.

Art. 11 In reference to all matters not provided for or expressed in these Articles the Empressarios or the new settlers holding under them shall abide and be governed by the Federal Constitution and the laws of this State.

And his Excellency, the Governor of the State, as also the citizen, Jose Manuel Royuella and John Charles Beales, having agreed in the articles of this contract or grant, and bound themselves respectively to the performance and observance thereof, afterwards signed the same before me, the undersigned secretary to this Government.

And having been directed to give the Empressarios this certified copy of all the documents relating to the grant that they may serve them as security and as a formal title thereto, the original will, according to law remain filed and recorded in the secretaries' office under my charge.

Dated City of Leona Vicarior the 14th day of March, 1832.

Jose Maria De Lobana,
John Charles Beales,
Jose Manuel Royuella,
Santiago Del Valle, Secretary.

Here follows a long record of assignments, etc.

Compiler's Note.

From the foregoing it appears that Robert L. Lindsay became the owner of the common source of title to the lands described as being between the 102 and 103 degrees of Longitude west from London, and the south and north boundary lines of what was then known as Beaver County, Oklahoma Territory in (1898).

From evidence it is reported that the 102nd degree of longitude is situated in what is now known as Texas

County, Oklahoma, about two miles from its western boundary; so that the above grant as held by the said Lindsay included all of Cimarron County, State of Oklahoma.

Robert L. Lindsay subsequently began conveying this land in fee to various parties, ranging from 160 acre tracts to tracts as large as twelve by eighteen miles in length and breadth.

Title to the above described lands became a subject matter of a suit in the Federal courts in a suit instituted by the Interstate Land Company against the Maxwell Land Company, in the Federal Court of the District of Colorado, the judge of said court in the final hearing held "That inasmuch the conditions of the grant had never been complied with the grant should be considered as null and void." (Fed. Rep., P. 275)

The cause was appealed to the Supreme Court of the United States and the decision and finding of the lower court was duly affirmed. (U. S. Supreme Court Reports, Vol. 11, P. 656)

TEXAS REVOLTS.

Coincident with Mexican independence and the establishment of the Republic of Mexico, Texas automatically became a part of that republic. As No Man's Land was a part of the State or Province of Texas within that republic it followed that No Man's Land was a part of the province of Texas within the Republic of Mexico. The inhabitants of the Province of Texas were largely from the southern part of the United States, differing in habits, customs and interests from the Spanish, Creoles, native Indian and mixed races of the republic across and below the Rio Grande. It was not long after Mexico had freed herself from the dominion of Spain that the progressive Texans began to chafe for freedom from the rule of Mexico. The great majority of the people of Texas believed in the institution of Slavery. Their situation, especially in the southern part, made slave labor profitable. They were ready to resent any movement which had for its object the emancipation of their slaves brought with them from east of the Sabine. The situation was different in Mexico south of the Rio Grande. There the labor of the native Indians and the lower class of the mixed races was too cheap to render slave labor profitable. In 1826 the Republic entered into a treaty with Great Britain which contained the provision that the Government of Mexico agreed to co-operate with His Britannic Majesty for the abolition of the slave trade and for prohibiting all persons within the government of Mexico from taking any share in such trade. The Texans knowing the difference between conditions in Texas and lower Mexico resented this part of the agreement as a blow at Texans only, without injuriously affecting the inhabitants of other states or provinces. Soon after the promulgation of

this treaty, Coahuila and Texas, by Mexican law, were united under one constitution with the capital in Coahuila. This constitution provided that after its publication in the capital of the district no person should be born a slave, and that after six months had elapsed from the time of such publication the introduction of slaves should not be permitted on any pretext.

The breach between Texas and the Republic continued to widen; hostilities actually began; a provisional government for Texas was proclaimed in November, 1835 and on March 2, 1836 Texas formally declared her independence. The story of Goliad, the Alamo and San Jacinto, of Crockett, Bowie, Travis, Houston and other brave men can not be told here. But Texas independence was won at San Jacinto, a constitution was adopted and on March 3, 1837, one day before he retired from office, President Jackson signed the resolution of Congress acknowledging the existence of Texas as an independent government and thus was launched the Republic of Texas of which No Man's Land became a part.

From the beginning of the struggle for independence the desire on the part of many Texans that Texas ultimately become a part of the United States was deep-seated. This desire was not shared by Texans alone; many prominent men of the United States were also maneuvering to that end. Especially was this sentiment strong in the southern states. Texas was now free to retain her slaves, and progress toward annexation steadily continued.

It was the general belief that the vast extent of Texas was too great to be contained within any one state. Texas would enter the Union only as a slave state; yet a considerable part of its area was north of 36° 30', the Missouri Compromise line. North of that line and in Texas were: that part of Kansas south of the Arkansas River and west of the one hun-

dredth Meridian; that part of Colorado south of the Arkansas and east of the Rio Grande; that part of New Mexico east of the Rio Grande; together with that part of Colorado between the two lines extending north from the sources of the Arkansas and Rio Grande Rivers.

TEXAS ANNEXED.

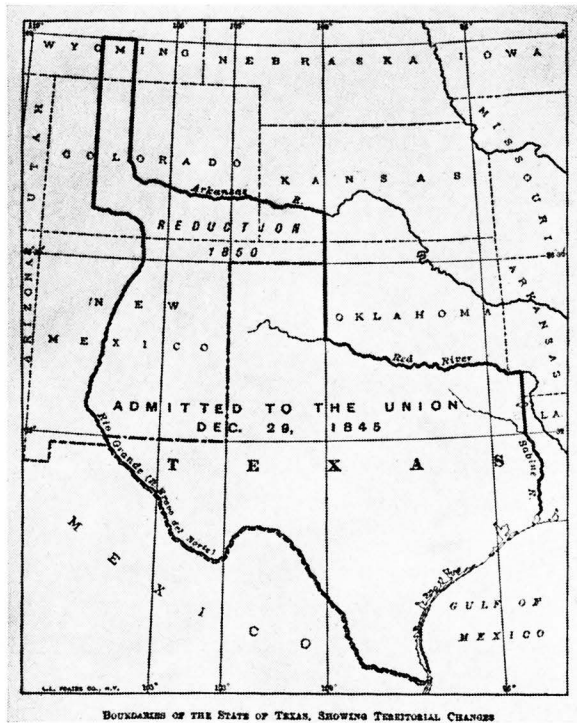
Looking forward to a satisfactory adjustment of this troublesome situation, Congress, by resolution signed by President Tyler on March 1, 1845 and to which Texas, as a condition to annexation agreed, provided:

“New states of convenient size, not exceeding four in number, in addition to the said State of Texas, and having sufficient population, may hereafter, by the consent of the said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution; and such States as may be formed out of that portion of said territory lying south of thirty-six degrees and thirty minutes north latitude, commonly known as the Missouri Compromise line, shall be admitted into the Union with or without slavery, as the people of each State asking admission may desire; and in such State or States as shall be formed out of the territory north of the said Missouri Compromise line, slavery or involuntary servitude (except for crime) shall be prohibited.”

The provisions of the foregoing resolution were formally accepted by Texas July 4, 1845 and on December 29, 1845 the State was officially accepted into the Union with boundaries as shown on map No. 6.

The boundaries of Texas as added to the Union and as shown by map No. 6 are particularly described as follows: Beginning at the mouth of the Sabine River on the Gulf of Mexico; thence up that River to the thirty-second degree of north latitude; thence due north to the Red River; thence up that River to the one hundredth Meridian; thence north on that Meridian to the Arkansas River; thence up that River

to its source; thence due north to the forty-second parallel of latitude; thence west on that parallel to a point due north of the source of the Rio Grande River; thence due south to the source of that River; thence down that River to its mouth at the Gulf of Mexico.



MAP No. 6

The annexation of Texas with the Rio Grande River as her western boundary brought on the Mexican War as the western boundary was at that time in dispute between Texas and Mexico.

The end of the Mexican War brought new complications. By the terms of the Treaty of Guadalupe-Hidalgo February

2, 1848, the Republic of Mexico ceded to the United States territory west of Texas reaching to the Pacific Ocean. This cession included what was known as New Mexico and Upper California being now the states of California, Utah, Nevada, Arizona north of the Gila River, and the western parts of Colorado and New Mexico. The line of the Missouri Compromise cut this territory almost in halves.

“A few days before the treaty with Mexico was signed, gold was discovered in the Sacramento valley of California. As the news of the richness of the deposits spread, a wild rush to the gold fields began. Men from every walk of life—merchants, farmers, lawyers, shopkeepers, sailors, ministers, servants—abandoned their pursuits to stake out claims in the ‘diggings’, from which they often took out a fortune in a few weeks. Thousands came by wagons across the plains, braving starvation, the fever of the alkali wastes, and the attacks of the Indians, and leaving a tell-tale track of broken wagons, dead animals, and human bones. Other thousands came by sea, enduring the buffetings of the six months’ voyage around Cape Horn, or crossing the pestilence-laden Isthmus of Panama to battle like crazy men for a place on the dirty, rickety steamers plying up the California coast. The immigration in the single year of 1849 raised the population of California from six thousand to over eighty-five thousand souls. The ‘forty-niners,’ as these gold-seekers were called, were largely from the free states of the North. Consequently, when delegates elected by the California immigrants met in a convention in September, 1849, they drew up a state constitution excluding slavery by a unanimous vote. When Congress met in December, therefore, California was no longer waiting to be organized as a territory but was asking for admission to the Union as a state with a free constitution.”

(—Muzzy, Prof. of His. Columbia Univ., A History of our Country, P. 342.)

The application of California for admission into the Union as a free state precipitated one of the most heated and prolonged debates ever witnessed in the United States Senate. The great triumvirate, Clay, Calhoun and Webster, were all there. Clay, who after an absence of several years, had returned to the Senate at the age of seventy four, at last came forward with a series of compromises which he hoped would save the nation from "war, ferocious and bloody, implacable and exterminating." He and Calhoun were both then in the late stages of the ravages of the "white plague" but Clay, in one of his greatest speeches, lasting several hours, defended his measures. They were: 1, that California be admitted as a free state; 2, that Utah and New Mexico be organized as territories without references to slavery; 3, that the area of Texas should be reduced from 379,000 square miles to 264,000 square miles and that for such reduction Texas should be paid the sum of ten million dollars with which to liquidate her war debt contracted in her struggle for independence; 4, that a more rigid fugitive slave law should be enacted and 5, that the slave trade should be abolished in the District of Columbia. Webster championed and Calhoun opposed the compromise. The latter, unable to deliver his prepared speech, sat wrapped in blankets while his colleague, Senator Mason, read it to the Senate. The measure was at last passed and became law, one of its provisions being the reduction of the territorial area of Texas which placed her northern boundary at the parallel of 36° 30'. The specific act of Congress which fixed the boundaries of the present Texas was approved by the President on September 9, 1850 and provided in part as follows:

FIXING THE BOUNDARIES.

"The State of Texas will agree that her boundary on the north shall commence at a point where the Meridian of one hundred degrees west from Greenwich is intersected by the parallel of thirty-six degrees and thirty minutes north latitude, and shall run from said point due west to the Meridian of one hundred degrees west from Greenwich."

The act of Congress was approved by the legislature of the State of Texas November 25, 1850 and so the southern boundary of No Man's Land was closed by that act. By legislation of the same date Congress fixed the eastern boundary of the Territory of New Mexico at the Meridian one hundred and three west from Greenwich. The fixing of this New Mexico boundary also determined the western boundary of No Man's Land. We now have three boundaries of No Man's Land determined—the eastern by the Spanish-American Treaty of 1819, the western by Act of Congress in 1850 and the southern by separate Act of Congress and the legislature of Texas. In none of this legislation or treaty making was No Man's Land mentioned.

The northern boundary was determined by the Kansas-Nebraska bill which organized Kansas into a territory and fixed its southern limit at the thirty-seventh degree of north latitude.

All the territory embraced within the limits of Kansas was part of the vast region claimed by La Salle in 1682 and was also part of the lands included in the Louisiana Purchase of 1803. When the District of Louisiana was formed in 1812, all of Kansas became a part of the Territory of Missouri and

so continued until the treaty with Spain in 1819 which ceded to Spain that part south of the Arkansas River and west of the one hundredth degree of longitude. The remainder of the state continued as part of the Territory of Missouri until the disorganization of that Territory upon the admission of Missouri into the Union as a state in 1821. That part of Kansas south of the Arkansas River and west of the one hundredth meridian was, as has been shown, successively a part of the Spanish possessions, the Empire of Mexico, the Republic of Mexico, the Republic of Texas and the State of Texas until 1850 when it was released by that State to the United States. From the date of the Texas Cession of 1850 until 1854 that corner of Kansas was unorganized. From 1821, the date of the admission of Missouri, until 1854 all the rest of the state had remained unorganized though recognized as part of the loosely-defined Indian Territory. But in that year, 1854 the Kansas-Nebraska bill became a law, defining the boundaries of Kansas and fixing its southern boundary at the thirty-seventh parallel of north latitude. This determined the northern boundary of No Man's Land as far west as the southwest corner of Kansas and the southeast corner of Colorado. Thus by 1854 the boundary of No Man's Land had been fixed with the exception of that part of the northern boundary extending westward from the southeast corner of Colorado and this gap was closed by the establishment of the southern boundary of the Territory of Colorado in 1861 which was also placed at the thirty-seventh parallel.

Throughout all these years, from the Spanish-American Treaty of 1819 to the final closing of the gap in the western part of the northern boundary, 1861, no mention of No Man's Land was made.

(See map No. 7)

THE QUESTION ANSWERED.

In the pages preceding, detailing the tortuous turns in the tossing about of No Man's Land, as claimed originally by Spain; later by France; the over-lapping of these claims; the release of La Salle's territorial claim west of the Mississippi to Spain; its recession to France; the Louisiana Purchase; the Spanish-American boundary treaty of 1819; the successful rebellion of Mexico; the revolt of Texas; its brief period as an empire, and as a republic; its annexation or admission into the Union of the States of America; the Mexican War; the Treaty of Guadaloupe-Hidalgo; the rush of gold-seekers to California; the controversy over the admission of California; The Compromise of 1850, together with the Missouri Compromise and its repeal; the organization of Kansas Territory, and those of New Mexico and Colorado; the agreement with Texas as to her northern boundary, every one of which directly or indirectly affected No Man's Land, we believe we have sufficiently answered the question propounded in the introduction of this volume:

“WHENCE CAME NO MAN'S LAND?”

GEOGRAPHY OF NO MAN'S LAND.

No Man's Land is bounded on the east by 100° west longitude; on the west by 103° west longitude; on the south by $36^{\circ} 30'$ north latitude and on the north by 37° north latitude. It is approximately one hundred and sixty seven miles east and west and thirty four and one half miles north and south.

The country is divided into three counties, viz. Beaver, Texas and Cimarron. Beaver is bounded north, south and east as stated and extends westward to the range line between ranges nineteen and twenty east of the Cimarron Meridian and is about fifty two and two third miles in length.

Texas county is bounded on the east by Beaver county, and extends westward a distance of sixty miles to the range line between ranges nine and ten east of the Cimarron Meridian.

Cimarron county is bounded on the east by Texas county and extends westward a distance of fifty four miles to 103° or Cimarron Meridian.

The country is bounded as follows: on the north by Colorado and Kansas; on the east by 100° west longitude; on the south by Texas and on the west by New Mexico.

The extreme eastern part of Beaver county has an elevation above sea level of about 2,800 feet. The extreme western part of Cimarron county is nearly 5,000 feet above sea level. Thus, from west to east No Man's Land has a slope towards the east about 2,200 feet or an average of a little more than thirteen feet to the mile. This slope, however, is not quite uniform as it increases slightly in the western counties, especially in Cimarron county where it is nearly nineteen feet to the mile. (See map No. 7)

BLACK MESA.

The highest point in Oklahoma is on top of Black Mesa a few miles north of the town of Kenton in Cimarron county where, it has been ascertained, the elevation above sea level is 4,978 feet. This is the roof of Oklahoma from which point it has been claimed that on a clear day Pike's Peak in Colorado may be seen. Black Mesa extends into Oklahoma about three miles, terminating abruptly near North Carizzo Creek about five miles southeast of a sandstone pillar which marks the extreme northwest corner of the state. Black Mesa is capped with a layer of black basaltic lava which, in some long-ago and prehistoric age has been belched from what was then a seething, boiling and spouting volcano. This molten lava, seeking its level, flowed down, as water will flow, in the bed of some prehistoric stream or depression and finally solidified, leaving a nearly level surface which might easily form a base for a highway. The valley through which this molten mass found its way was, in all probability, that of the Cimarron River. No one can know exactly what happened; but may it not well be presumed that the congealing mass of lava so choked the Cimarron that it was forced to the south to or near its present channel? Through the multiplied centuries the valley has been cut down by erosion some six hundred feet leaving this cap of black lava as a protector of the earth formation beneath and standing sentinel, as it were, over the valley of the Cimarron and over the river itself a few miles to the south. On top of this black cap, July 4, 1928, was dedicated a monument, constructed of blocks of black volcanic lava laid in cement. This monument is three feet square at the base, five feet high, forming the frustum of a pyramid eighteen inches high at the top. On top of this is an eighteen inch

granite cube weighing six hundred pounds donated by Pel-low Brothers of Granite, Oklahoma, who quarried and cubed the piece from their quarries there located.

Geologists have ascertained that this lava flow was of late Tertiary or early Quaternary period. This, together with elephant bones found in the flood plains and major cuttings of the valleys of Carizzo Creek indicate that Black Mesa had its beginning some 50,000 to 100,000 years ago. The average distance of the Mesa from the Cimarron River is about three miles, though this varies from about one mile to five miles to a point about forty five miles west of Kenton where it swings northwest towards Trinidad, Colorado. Black Mesa is one of the wonders of the American continent, resembling in outline a huge black serpent, its tail in Colorado and its head thrust into No Man's Land as if to drink from Carizzo Creek or to take a look at the ruins of Robbers' Roost about three quarters of a mile distant. No human being saw Black Mesa in the making, but geologists are able to read the records made by the rocks and these tell a story of impartial truth.

THE SURVEYS.

We have gone along with No Man's Land from 1541 when it was crossed by Coronado, through a period of three hundred and twenty years to the time the last gap in its boundary was closed by the organization of the Territory of Colorado in 1861. Its southern boundary, it is recalled, was fixed by the definite location of the northern boundary of Texas in 1850. But this line existed only in law. It had not been surveyed and marked.

The United States took the initial step toward surveying and actually marking out this line which was to be on the true parallel of $36^{\circ} 30'$, when by act of Congress June 5, 1858, (II Stat. 310), provision was made for the appointment of a commissioner by the President of the United States, who in conjunction with such other person or persons as might be appointed by or on behalf of the State of Texas for the same purpose, should run and mark the boundary lines between the territories of the United States and the State of Texas. Pursuant to that act, one John H. Clark was appointed by President Buchanan as a commissioner on behalf of the United States and he, together with a representative of Texas, began work on the Rio Grande River at 32 degrees N. latitude. These commissioners were to survey and mark out this line due east on that parallel to the meridian of 103 degrees west longitude; from that point north on that meridian to the point of intersection with latitude $36^{\circ} 30'$ north and thence east on that parallel to longitude 100 degrees west from Greenwich. These were the lines settled upon by the agreements of 1850 (the Clay Compromise).

Differences of opinion developed between the two commissioners and the Texas commissioner withdrew. After the

withdrawal of the Texas commissioner Clark proceeded alone for the remainder of the survey and in 1860 established the boundaries and monumented a line along the parallel of $36^{\circ} 30'$ north latitude. For a considerable time, neither the Government of the United States nor the State of Texas formally recognized this line, but before the admission of Oklahoma into the Union, the United States by act of Congress, March 3, 1891 (26 Stat. 971), and Texas by joint resolution of its legislature, confirmed the line as monumented by Clark as the north boundary of Texas. It has been held that this line was further confirmed by the United States Supreme Court in the case of *Oklahoma v. Texas* (272 U. S. 21) as modified by decree in the same case (276 U. S. 596) the question before the court in that case being the true location of the 100th Meridian in connection with which it became necessary to establish the northeast corner of the State of Texas.

In 1881, Chaney and Smith, deputy surveyors, established what is known as the Cimarron Base Line. This was done in connection with their contract for the subdivision of the so-called public land strip (No Man's Land). Chaney and Smith apparently failed to find the line as marked out by Clark as the line of $36^{\circ} 30'$. Here, it must be remembered that the work of Chaney and Smith was twenty one years later than that of Clark, and ample time had intervened for obliteration of evidence of the location of the Clark Line. Rains, dust storms and prairie fires had periodically swept over the country. Thousands of buffalo had roamed the vast prairies and now the herds of the cattlemen were invading the country. However, it now appears that a more diligent search would have resulted in discovery of markers erected by Clark as a few of them are yet to be seen. At any rate Chaney and Smith did not find the Clark line, so proceeded under their instructions and made their own independent

determination of the parallel of $36^{\circ} 30'$ N. latitude, upon which they based their subdivisional survey of the lands in No Man's Land north of the line so established. This line was, as a matter of fact, a few chains north of the line as established by Clark in 1860. This left a narrow strip of land between the lines as established by the two surveys respectively of Clark and of Chaney and Smith. This strip was in No Man's Land, for the Clark line had been recognized by the United States by the State of Texas and by the United States Supreme Court. As Chaney and Smith began their subdivisional survey on the line as established by themselves, it followed that there remained this unsurveyed strip of land extending east and west the entire length of No Man's Land, through actually a part of it.

The contract of Chaney and Smith called only for the subdivisional survey of No Man's Land, i. e. into congressional townships six miles square, and not into sections one mile square and quarter sections one-half mile square. The corners of the townships thus laid out were designated by markers made of zinc. As these somewhat resembled pots they came to be known as "pot" corners. These zinc markers were made of flat sheets of zinc which, when their two sides were brought together and riveted, formed the frustums of cones about sixteen inches in diameter at base, about six inches in diameter at top and about twenty inches perpendicular. These were set with large ends down and about twelve inches deep with earth packed around, leaving approximately eight inches visible above ground. On each of these markers were stamped letters and figures to indicate the townships and ranges of which they formed the corners. Very few of these markers yet remain.

As the Cimarron Base Line as established by Chaney and Smith was well monumented or marked, it was mistakenly

assumed by people generally as the state line, when in fact it was several rods north of that line. The result was that many Texas land claimants extended their holdings up to the Chaney and Smith line (the Cimarron Base Line). This strip of land, really in No Man's Land but south of the Cimarron Base Line has since been surveyed, and to correct the error made in 1881 by Chaney and Smith by failing to find the line established by Clark in 1860, Representative Phil Ferguson of Oklahoma, in whose district No Man's Land is situated, on April 3, 1936, introduced H. R. bill No. 12163 which provided that:

"Whenever it shall be shown, under such regulations as the Secretary of the Interior may prescribe, that public lands situated south of the Cimarron Base Line in Oklahoma and north of the north line of Texas has been used, improved or cultivated in connection with abutting land, and has been held in good faith, in peaceful, open, adverse possession by a citizen of the United States, his ancestor or grantor, for a period of not less than ten years prior to the passage of this act, and until the submission of proof hereunder, such person, or persons, shall be entitled to enter such tract, not exceeding one hundred and sixty acres, and to receive patent therefor upon payment of \$1.25 per acre: provided, That oil, gas, or other mineral deposits contained therein are hereby reserved to the United States under applicable laws, and permittees, lessees, grantees, or agents of the United States; and said mineral shall be and remain subject to sale or disposal by the United States under applicable laws; and permittees, lessees, grantees, or agents of the United States shall have a right to enter upon said lands for the purpose of prospecting for and mining said minerals: and provided further, That any person entitled to patent under this

act, shall present his application within one year from the official filing of the township plat.

Sec. 2. That where any land included within said area has been included in townsite plats recorded on the county records in Texas or Oklahoma, and the lots, blocks, streets, alleys, highways, and other rights-of-way have been shown on such plats is hereby relinquished to and confirmed in those persons, their heirs, assigns, or successors, who would be the true and lawful owners if the lands had been owned in fee simple at the time of the recordation of such townsite plats. The townsite plats representing streets and alleys of any townsite shall be considered as executed under the townsite laws, and shall constitute a dedication of the streets, alleys, public highways, and railroad rights-of-way shown thereon."

This bill was referred to the Committee on Public Lands and ordered printed, but the committee having it in charge failed to report it out of the committee. Representative Ferguson thereupon introduced a new bill (H. R. 4890) in the 75th Congress which passed the house of Representatives and at this writing is in the hands of the Senate. There is practically no doubt of the passage of this just and reasonable bill.

We now have the record complete of the survey of No Man's Land to its subdivision into townships. The sectional survey of the country was postponed for about another ten years. This phase of the survey was begun in 1890 and was completed under the provisions of seven contracts entered into between the General Land Office and five separate contracting surveyors as follows:

Contract	dated	June 12, 1890,	with	H. C. F. Hackbush.
"	"	July 13, 1890,	"	L. G. Bennett.
"	"	June 2, 1891,	"	H. C. F. Hackbush.

"	"	July 14, 1891,	"	Joseph T. Locke.
"	"	July 18, 1891,	"	L. G. Bennett.
"	"	July 22, 1891,	"	James M. Harvey.
"	"	Aug. 11, 1891,	"	Thomas Withers.

For accurate information on the several surveys of No Man's Land from the establishment of the parallel of $36^{\circ} 30'$ north latitude as its southern boundary by making that line the northern boundary of Texas to the final consummation of its survey into sections and quarter sections under the contract of Thomas Withers of August 11, 1891, we are indebted to Hon. Phil Ferguson, representative in Congress for the Oklahoma district of which No Man's Land forms a part; to Mr. Antoinette Funk of the General Land Office and to Mr. Grester Lamar of Guymon, Oklahoma who gave helpful suggestions.

The holders of the strip of land between the $36^{\circ} 30'$ line as established by Clark and the Cimarron Base Line as established by Chaney and Smith have already been granted title to it from the State of Texas and that state has, for many years, been collecting taxes thereon from the holders. As Texas never possessed title to this land subsequent to 1850, it follows that the supposed titles to same granted by Texas are without force and therefore void. This is a matter to be settled between the holders and the State of Texas. Justice would seem to dictate that Texas should refund to the holders the original price of the land involved together with all taxes collected thereon. It is presumed that some equitable adjustment will be made. Even with such adjustment the holder of this strip of land in Oklahoma abutting their lands in Texas will be subjected to inconveniences among which may be mentioned the payment of taxes in both Oklahoma and Texas.

FIRST ACROSS NO MAN'S LAND.

There is little or no doubt that Coronado and his band of intrepid Spaniards who, in the years of 1541-1542 made their futile journey in search of the fabled seven rich cities of Cibola, were the first white men to cross any part of No Man's Land. But before the laying out of the Santa Fe Trail and when traders were just beginning to contemplate the prospects for profit from trade with Santa Fe, the harrowing experience of a small caravan which attempted to reach that mart by taking a short cut from the Arkansas River to Santa Fe, will be interesting to readers of to-day.

Up to the time mentioned Santa Fe had procured practically all of its goods and supplies from Vera Cruz; but transportation cost from that far-away point was so great that it made prices at place of destination exorbitant—calico and muslin selling as high as from two to three dollars a yard. In 1821 one Captain Becknell with four companions set out from Franklin, Missouri intent on trading with the Comanche Indians; but when near the mountains they fell in with a company of Mexican rangers who induced them to go on to Santa Fe where they disposed of their merchandise at a handsome profit. This expedition had been so successful that Becknell resolved to try again. Accordingly he started in June, 1822 with some thirty men and about five-thousand dollars worth of merchandise with the intention of taking a short cut southwest from the Arkansas River to the Cimarron and on through what we now call the Oklahoma Panhandle or No Man's Land.

With no chart to guide them but the sun and stars, the small party started across the dry plains from the Arkansas

to the Cimarron River, the next known watering place. The only water they had when this venture was made was what they carried in their canteens, and this, at the end of two days was exhausted. And now their suffering began. On the dry and sandy plain without water, both men and beasts suffered terribly and soon were nearly famished. So intense became their suffering from want of water that they killed their dogs and drank the blood. They even cut off the ears of their poor, distressed mules and drank the blood thus obtained. Think of their plight in such a situation—not knowing exactly where they were or how far from the precious Cimarron River. The warm, thick blood they had drunk only made their parched lips more parched, and their dry mouths more dry. Becoming frantic in this perilous situation, with early death staring them in the face, they resolved to scatter in different directions hoping to find at least a small quantity of that precious fluid which, but three days before, they had left in such abundance at the Arkansas. They would see a deceiving mirage and thinking it to be water, would struggle forward only to behold it vanish from view and to gaze on more dry and parched plain under the burning sun. They were now almost to the Cimarron River, but ignorant of this, in their desperation, resolved to try to make their way back to the Arkansas. But they were by this time so nearly famished that they were not equal to such a task and realized that they all must die on the parched and dreary prairie. They would all have soon perished had not a buffalo walked near by with a stomach full of water which he had just drunk from the Cimarron. They promptly killed it, and removing its stomach, eagerly drank the contents. Knowing now they were near the river, some of the strongest were sent in the direction from which the buffalo had come and soon reached the river where they drank to their content, filled their canteens and returned to the now nearly famished

party, some of whom were by this time prone on the ground, unable to rise. They were saved—thanks to the timely buffalo who yielded his own life for the lives of all these men. They were soon so relieved that they were able to resume their journey and reached Taos, north of Santa Fe in New Mexico. This was no doubt the most perilous journey ever made across No Man's Land, but it marked the time or about the time from which the era of the trade along the Santa Fe Trail may be dated.



Cleta Blake, Artist.

INDIAN TEPEE



BLACK COYOTE
Full blood Cheyenne sub-chief

HOW THE EARLY WESTERN INDIANS BUILT THEIR TEPEES.

When Europeans came to America they found nearly as many different types of Indian habitations as they did different tribes. The early American Indian was not a nomad as were his later descendants—in fact few then dwelt out on the open prairie. It was not until the Indians came into possession of horses that they were able to follow the buffalo in his migrations, and as there were no horses in America at the time of the coming of Europeans they did not possess these until they had either bartered for them, stole them, or captured them from among the wild herds the progenitors of which had escaped from the Spaniards of Mexico and southern United States. The ability to travel far and to follow the animals which constituted their principal means of sustenance also imposed upon the Indian the task of fashioning a habitation which would at once be comfortable, of light weight, and easily and quickly erected and taken down. From this necessity the western Indian evolved the tepee, the outward appearance of which is so familiar with nearly all Americans.

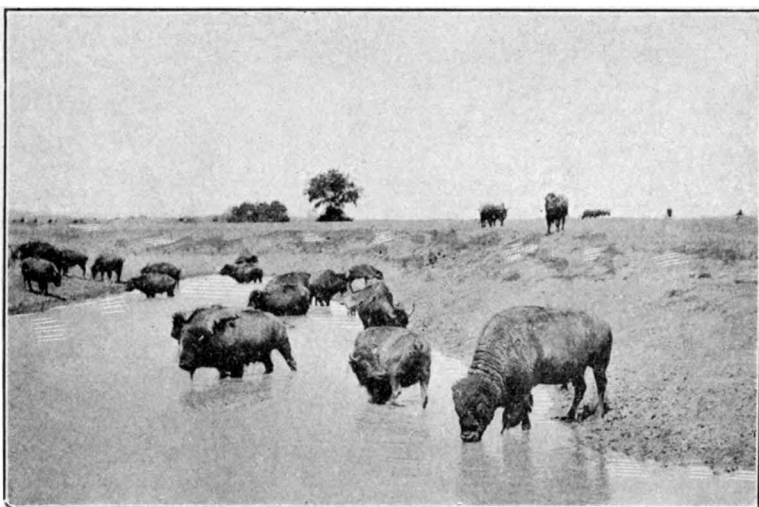
But as to the actual construction of the tepee and the principle on which it was built, attaining the ends sought, the ordinary student of history is not so familiar. For this reason we here briefly outline their manner of tepee construction.

The tepee poles were of light wood, peeled, seasoned, and when supporting the covering set in a circle at bottom and meeting at the top. In erecting this framework three poles were tied near the small ends or tops so that when erected and spread out in triangular form they easily supported them-

selves as well as the other poles which were set so as to complete the circle.

The covering was, of course in very early times, made of buffalo hides, tanned by the women according to the Indian method, and so fashioned and sewed together with thongs that when spread over the conical framework of poles they exactly fitted. The lower edge of this covering of hides was so placed on the poles that it was some six inches above the ground and there firmly staked down. A flap in one side served as a door for ingress and egress. An opening was left at the top for ventilation and for the escape of smoke. About three inches inside the outer covering of buffalo skins, and reaching to the height of some six feet, was an inner lining of hides so arranged as to form the frustum of a cone. The bottom of this inner lining extended to the ground and folded inward so as to form a skin floor reaching a few feet toward the center. The fire was built in a small hole dug in the center of the tepee. Other skins were then spread on the ground, reaching almost to the fire pit and lapping back over the floor extension from the inner wall or lining. This furnished a very comfortable lounging carpet and a simple but perfect means of ventilation. The fresh, cool air, entering under the raised bottom of the outer walls of skin, rushed upward between the two walls to the top of the inner wall where, escaping above the heads of the occupants it was met by the warm current and smoke rising from the fire in the center. Thus were the inmates protected from outward cold air, relieved from annoyance of smoke and provided warmth and ventilation. Somehow they had stumbled onto a well-known law of physics, the use of which has been but slightly modified with the advance of science. When ready to move, the tepee could be taken down, loaded on a travois and the entire camp could be on the move in fifteen or twenty

minutes. The work of erecting and taking down the tepee was, of course, the labor of the women. (See illustration of tepee.)



BUFFALO

Courtesy Detroit Pub. Co.

THE BUFFALO.

From time immemorial, until the coming of the white man with his plow, the buffalo had been monarch of the plains. Here he roamed at will, ate, drank, and lived his life almost wholly unmolested by man. The plains Indians found in him at once their food, their clothing, their shelter. From his hide they made their tepees which provided them with all the shelter they desired. His flesh was their major source of sustenance. They ate the fresh, juicy meat while on the hunt; they prepared it also for future use by drying it in the sunlight. To the individual who has never seen an Indian woman prepare jerked meat, the process is a most interesting one. I do not know that I can clearly explain this process though I have often observed it—not the preparing of the meat from the buffalo, but from that of cattle—for I came on the scene all too late to see the wild buffalo on the plains. The Indian woman, providing herself with a sharp knife, takes a piece of meat in her left hand and by a process of deftly rolling it over the thick part of the hand next to the thumb, slices off the thin ribbons of flesh much as the ordinary housewife peels an apple or potato. These ribbons are of quite uniform width of from one and a half inches to two inches and about the thickness of a potato peeling. The knife appears to have an edge almost equal to that of a razor for it slips through the meat with apparently little or no effort on the part of the operator. I have often watched Indian women at this work and while it appeared simple and easy for them, it also appeared to be an art acquired by them only. These meat ribbons were cut into sections of some sixteen to twenty inches in length and hung in the sunshine to dry. Being so thin, it was but a short time until the meat

was practically sun-cooked and hard and brittle. Food prepared in this way could be packed and transported long distances or preserved for winter use. Among many of the Indians, such meat was ground on metates into a powder and mixed with grain affording a tasteful and nutritious diet. I am describing the condition of the Indian before he came into possession of implements from white men. From the hides of the buffalo the Indian also made his robes, his moccasins, his leggins, his shirt—in fact, every article of clothing worn by both the men and the women. In the absence of wood the dried offal was his fuel. From the tendons he procured his bow strings and from the rawhide he made his thongs, his rope, his bridle, such as he used. From the robes also he made his bedding. It is no wonder that the untamed Indian viewed the slaughter of the buffalo, when once begun by white men, as a fatal blow, not only at their independence, but at their very sustenance. Unused to much cultivation of the soil, they could not perceive how they could long exist without the buffalo. As a matter of fact they could not in their old way, and did not. The mode of Indian life changed completely with the passing of the buffalo. It was General Phil Sheridan who once said: "The way to subdue the Indian is to destroy the buffalo." This remark was made in answer to a criticism of the ruthless destruction of these animals only for their hides. The Indian depended on the buffalo and the annual increase of the herds as the farmer depends on annual rainfall and favorable crop conditions.

So long as the buffalo was left unmolested by white men, the herds increased; for the Indian killed only to supply his needs, and these needs fell far short of the year-to-year increase. There were millions of these animals on the western plains when the California gold seekers were crossing these vast prairies. Wagon trains of travelers and even railroad

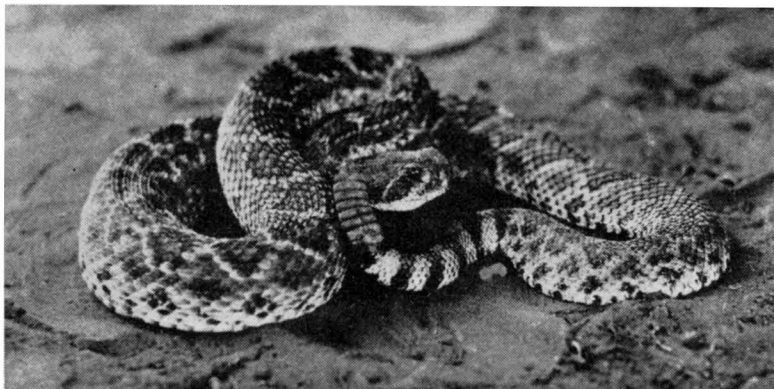
trains have been halted for the passing of vast herds of buffalo, for once started, the individuals of a herd follow their leaders and there is no such thing as stopping them.

The buffalo or American Bison has much in common with domesticated cattle though on many points widely differing from them. The great distinguishing feature of the buffalo is its heavy and shaggy forequarters, the head, neck, shoulders and fore legs being thickly covered with a dark brownish coat more resembling wool than hair. This is particularly true of the bulls. A full grown buffalo bull attains a weight of about two thousand pounds, while a fully matured cow weighs about twelve hundred pounds. Another marked point of distinction between the buffalo and domesticated cattle is the series of long dorsal perpendicular spines where the line of the back arches over the withers in a hump. These spines furnish attachment to very thick and strong muscles which are needed to support the massive head. This attachment of muscles form the so-called buffalo hump, and this together with the tongue were considered the choice part of the buffalo meat. The buffalo differs from domestic cattle in another particular in that the number of ribs is fourteen instead of thirteen. The front of the buffalo skull is much more convex and broader than that of cattle, and the horns are set lower on the skull, i. e. below the top line of the forehead. The buffalo is further distinguished by the long barb or beard growing under the chin, much like that of the goat.

The calves were born in the spring and were much lighter in color than the mature animals. All wild animals have their regular periods or seasons for breeding, that of the buffalo being in late summer; and during this period there is constant fighting among the bulls. The buffalo never trots, but passes at once from a walk to a lope or gallop.

When the demand for buffalo hides made the business profitable, men organized buffalo hunting parties and made it, not their pleasure but their business to kill buffalo, take their hides and sell them in the market. They organized crews, consisting of hunters, skinners, teamster and cook. It was the business of the hunters, who were mounted on good horses, and armed with high-powered guns, to kill the animals. The dead animals were often, after a day's kill, scattered along over many miles. The skinners, provided with skinning knives and steel, followed up the hunters and skinned the animals, leaving the carcasses a feast for wolves. The hides were gathered up in wagons, taken into camp and spread on the ground with flesh side up and tightly stretched and staked down. This operation consisted first in straightening out the hide and cutting holes near the edges for the pegs, and then driving three pegs at the head or end of the neck; then going to the other end of the hide and stretching it lengthwise and driving two pegs, one on each side of the tail; then going around the hide, stretching it even and staking it down to dry. Some good hunters used as many as fifteen skinners. Prices for skinning and pegging down the hides varied, but the average was about thirty cents a hide. Some hunters saved the humps, tongues and hindquarters as well as the hides, though most saved only the hides. The humps and tongues were great delicacies in eastern cities.

As to the number of buffalo on the plains at the time the great slaughter began, no one can ever know with any degree of accuracy. Old and experienced buffalo hunters have widely differed in their estimates, varying from a few million to several billion. These larger estimates were, of course merely wild and ill-considered guesses.



These big fellows made old-timers
watch their step.

Horace Greeley, who passed through the buffalo regions twice, made an estimate of 5,000,000 and he was probably about as near the proper estimate as any one. This number would have placed about forty buffalo on each square mile of territory inhabited by these animals at any one period, and that number represents plenty of buffalo. R. M. Wright and Charles Rath had a large store, carrying all kinds of hunters' supplies, and had acres of high piles of hides at a sort of ranch three miles below Fort Elliott on Sweet Water Creek in the Texas Panhandle in 1874 and Robert Wright himself is authority for the statement that the first winter after the Atchison, Topeka and Santa Fe R. R. reached Dodge City the same firm shipped over 200,000 hides from that point, and that in his judgment as many more were shipped by other dealers, besides two hundred cars of hind quarters and two cars of buffalo tongues.

Until about 1875 No Man's Land with its broad expanse of prairie, its luxuriant grass, and its numerous streams and springs was a veritable buffalo paradise; but when the ruthless slaughter once began, the doom of this noble animal was soon sealed forever, and with the passing of the buffalo the Indian was forced to limitation within reservations. These two great changes left the whole of the Texas Panhandle, all of western Kansas and all of No Man's Land devoid of these two denizens of the plains and opened the way for the cattlemen who at once began to occupy and appropriate the free grass for the fattening of their numerous herds of cattle. No Man's Land ceased to be the land of the Indian and the buffalo and was transformed into a cattle country.

THE SANTA FE TRAIL.

It is not our purpose to attempt a history of the Santa Fe Trail; but as this once famous highway traversed No Man's Land, some brief mention of it here will be appropriate. The Santa Fe Trail had its origin in the second decade of the nineteenth century when the prospect of large profits from trade in the ancient town of Santa Fe fired many venturesome spirits east of the Missouri River with the determination to hazard all the privations and dangers incident to the slow and toilsome journeys to that ancient mart. As there was no semblance of a road to that far-distant point, the first goods transported were on pack mules, from 200 lbs. to 300 lbs. being carried by one animal. There was much risk in such an enterprise. Should an animal die enroute his load was necessarily absorbed by the remaining animals thus increasing the average burden. Before long, however, wagons and teams were employed, and while more goods could be transported it was more difficult to cross streams or to travel over rough sections of country. In 1825 the Federal Government authorized the marking out of a suitable route to Santa Fe and to this task, Messrs. Sibley, Reeves and Mathers were assigned. As laid out by these men the route extended from Independence, Missouri across the Missouri River and southwest to Council Grove, Kansas. At this point the commissioners held a council in a grove with a party of Osage Indians and named the place "Council Grove," which name has ever since attached to the place. From Council Grove the trail led up the Arkansas River to a point northwest of Hutchinson, Kansas; thence it followed that river to the site of Bent's Fort in eastern Colorado, whence pursuing a southwesterly course to the site of Old Fort Union in New Mexico it led on by Las

Vegas to Santa Fe. This was not the most direct route, but it afforded a better water supply.

We have previously told of Captain Becknell who attempted in 1821 a short cut from the Arkansas River across the plains to the Cimarron and thence by a nearly straight course to Santa Fe. The cut-off or shorter route was surveyed in 1827 and thereafter much of the traffic was over this route.

From Independence, Missouri, the starting place of the caravans, to Santa Fe the distance was nearly eight hundred miles—a long and wearisome journey for which the most careful and painstaking preparations were made. Ox yokes, wagon tires, harness, wagon covers, were all carefully inspected and placed in the best possible condition. Provisions for the long journey were ample. For each man's consumption, about fifty lbs. of flour, fifty lbs. of bacon, 10 lbs. of coffee and 20 lbs. of sugar was deemed sufficient for the journey. While on the plains the caravans depended on the buffalo for its supply of fresh meat. For many years when these wagon trains passed out of sight of the lone house at Council Grove not another was seen until they came in sight of Santa Fe. This house yet stands in Council Grove, Kansas.

The wagons used, nearly all of which were made in Pittsburgh, Pennsylvania, were drawn by eight oxen or mules and loaded with about 5,000 lbs. of merchandise. As trade increased wagons were made larger, teams were increased to ten or twelve and loads were heavier. A team of oxen could draw a heavier load than could a team of mules, but travel for them was slower and they suffered more from tender feet. True, oxen were shod in those days, but skilled men in this art were scarce. Some teamsters, to protect the tender feet of their oxen used moccasins made of raw buffalo hides which served very well in dry weather.

In traveling along the trail, the wagons, often fifty or more in number, usually marched abreast in four columns or lines. This shortened the caravan and rendered defense against a possible Indian attack more effective. In case of attack the two outside lines immediately spread out and describing quarter circles, came together in front in two straight lines at right angles forming two sides of a square. The two inner lines, also spreading out, formed the other two sides of the square. The animals could quickly be placed inside this hollow square and the men could effectually use the barricade of wagons for protection. This same movement was executed when ready to camp for the night.

On reaching Santa Fe, the merchandise was sold, as were usually the oxen. The return journey was much more rapid, but an entire summer was required for a round trip.

On one of these return trips in 1828 two men, McNeese and Monroe, traveled some distance from the caravan and lying down carelessly fell asleep. Here they were murdered by Indians presumably with their own guns, almost under the eyes of the members of the caravan. When reached by comrades McNeese was lifeless and Monroe was fatally wounded. McNeese was buried where he was killed. Monroe was carried along with the train almost to the Cimarron where he too expired and was buried in a shallow grave by the roadside. The creek on the banks of which McNeese's body was buried was named McNeese Creek, and so, for more than a hundred years there has been McNeese Creek in the extreme western part of No Man's Land.

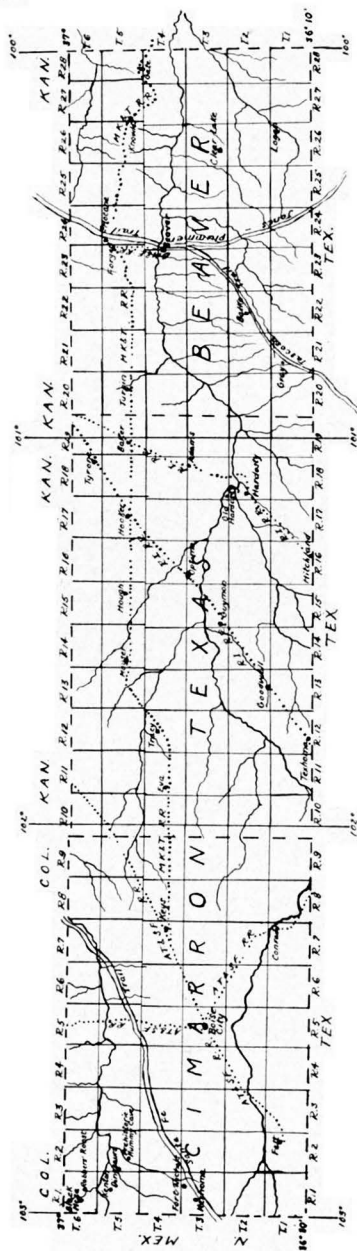
Tents were rarely used on the trail. The men almost invariably slept on the ground outside the hollow square and in case of rain retreated to the cover of their wagons.

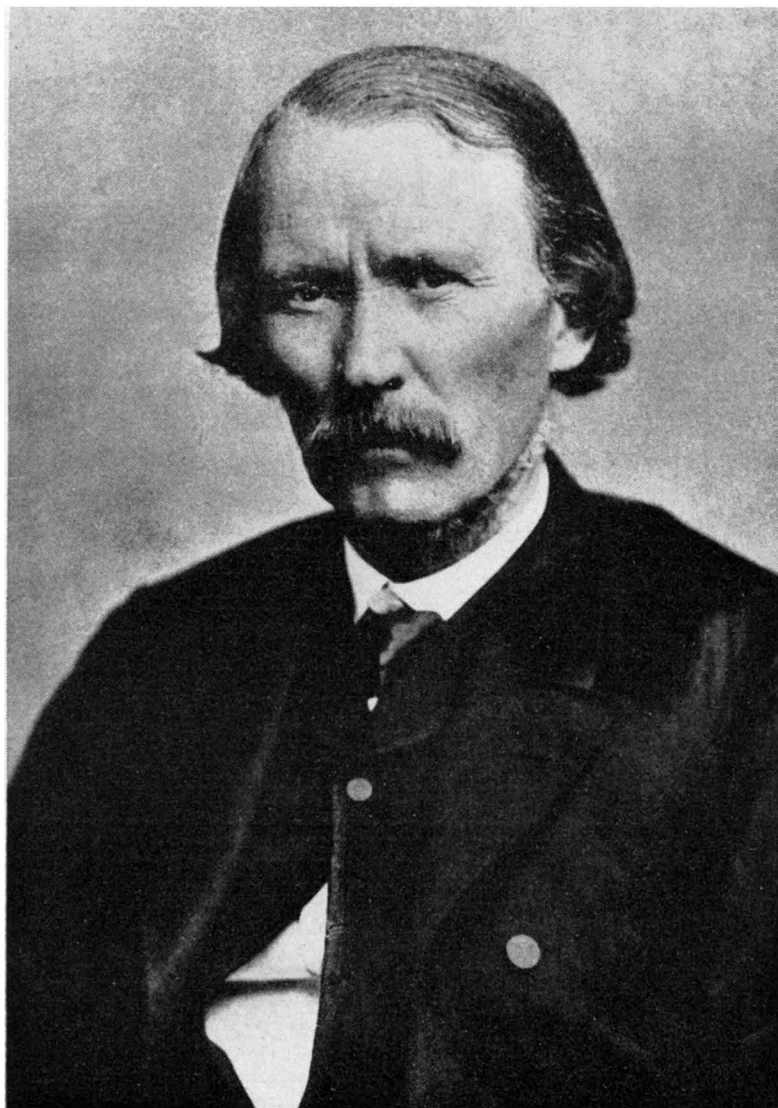
Trade was maintained on this historic route until the building of railroads when it entirely ceased.

On Cold Springs Arroyo near this historic trail about ten miles northwest of Boise City is a beautiful and sparkling spring of water which is so cold that the dry bed of the creek from which it springs is called "Cold Springs Arroyo." Here the caravans used to turn aside for rest and recuperation. Here they cared for lame animals, mended broken wagons, ox yokes and harness; here they shod their oxen, set their wagon tires and prepared for renewal of their journey towards their goal at Santa Fe. Near this spring is an almost perpendicular wall of hard sandstone extending for a distance of some two hundred yards and of an average height of from fifteen to twenty feet. On this natural wall may be seen what is perhaps the greatest autograph album of the world; for here the men accompanying these old-time caravans have carved their names. Soldiers who had been discharged from service in the Civil War; Mexicans, teamsters—some of the dates being as early as 1834. Many of these names are carelessly and grotesquely carved while some evidence the most painstaking efforts. Some are really artistic, and in this regard the Mexicans seem to have excelled all others. Could this natural stone wall with all its fantastic carving be transported to some museum it would attract wide attention. Names and dates may be found cut in rocks in many parts of the country, but none compare with the one at Cold Springs Arroyo in No Man's Land.

The Santa Fe Trail may be plainly seen in No Man's Land wherever its course has not been crossed by the plow. I have followed its course for miles and imagined I could almost still hear the creaking of the old wagons and the loud cracking of the teamsters' whips. I have been to the so-called Willow Bar Crossing of the Cimarron where even yet the low, sandy banks of the river are covered with a dense growth of slender willows, evidencing that the name given so long ago to this historic crossing is still appropriate.

(For the exact route of this trail through No Man's Land see map No. 7).





Courtesy Colorado Historical Society.

KIT CARSON, 1809-1868.

OLD FORT NICHOLS.

In October, 1935 I visited one of the most historic spots in Oklahoma, the site of Old Fort Nichols. Comparatively few people ever heard of this old fort. Some twenty years ago I requested the War Department to list and locate for me every military fort ever established within the present boundaries of Oklahoma. The department kindly complied with this request by giving the names and locations of thirteen forts in all. Of these thirteen forts which have at some time existed in Oklahoma only two remain, Fort Sill and Fort Reno, the latter now only a remount station. The department might have listed fourteen, but it did not mention Fort Nichols. The reason for this omission appears to have been that Col. Carson failed to discern, in his examination of the country incident to the location of the fort, that he crossed the New Mexico line and entered No Man's Land, for the old fort was actually established four miles east of the east line of New Mexico Territory, (Sec. 2, Tp. 3 N., Rg. 1 E. of Cimarron Meridian). The brief messages which Carson dispatched from the fort to the War Department all bear the "Fort Nichols, New Mexico" date line, thus showing that he believed he was actually in that territory. There were no monuments at that time on the Cimarron Meridian. Had there been, it is doubtful whether Col. Carson would have been influenced by them, as he selected the site he deemed most suitable. His purpose was to guard the Santa Fe Trail and not to locate inconsequential boundaries. He wanted water and a site easily defended and he found both at the point selected, within a mile of the old trail.

If the War Department were asked to-day to give the location of old Fort Nichols, established by Kit Carson in 1865,

it would, in all probability, state that it was northeastern New Mexico; but the distinction is that of No Man's Land.

Mr. Kendall Baker of Boise City kindly drove me to this historical sight. We wandered around and through the ruins, now but the remnants of the old stone walls, revealing an outline of a square of two hundred feet about the center of which yet remain the flat stones which comprised the floor of the stable where some three hundred horses were quartered of nights. With the coming of the settlers most of the stones which once formed the outer walls have been hauled away to become foundations for buildings throughout the surrounding country; but enough remain to enable one, with the aid of a diagram of the place, to search out the Carson headquarters, the cabins of the officers, the quarters for troops, the circular abodes of the Indian scouts, the hospital, yes, even the grave of private Barada, a little way to the south of the outer walls.

The establishment of this fort was deemed necessary by reason of the frequent raids on wagon trains on the trail southwest of Fort Dodge. Carson had, the preceding winter, attacked a hostile band of Indians near the site of Adobe Walls in the Texas Panhandle and burned one of their villages. This, it should be recalled, was ten years before the memorable fight at that place between a large band of Indians and a small party of buffalo hunters who took refuge within the rude sod structures of that place. Andy Johnson of Dodge City was the last survivor of this fight, one of the most sanguine of plains history.

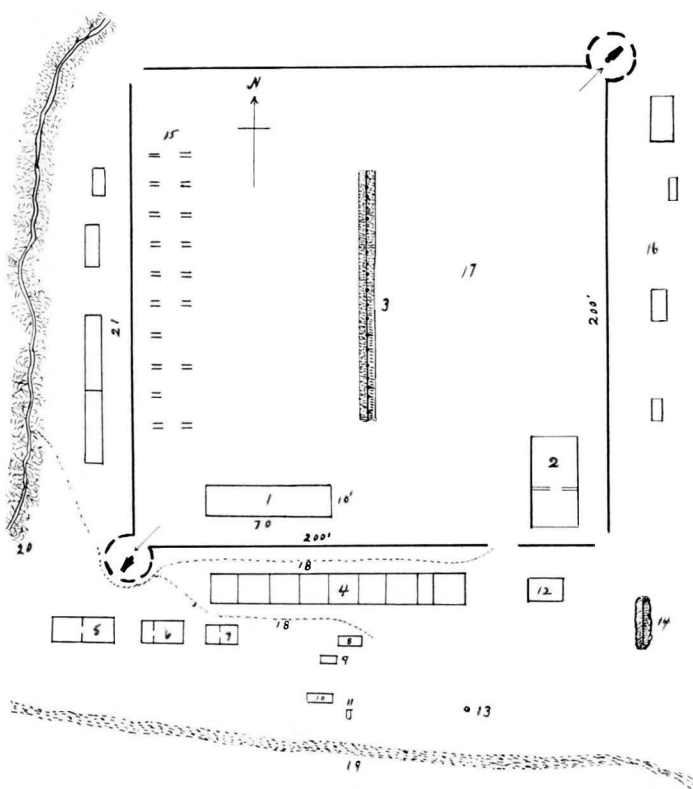
The inhabitants of the old fort during the one summer of its existence consisted of about three hundred soldiers, as many horses, ten Indian scouts and six women. Of the women, two were wives of army officers, two were wives of

Mexican soldiers and two were Indians, the wives of Indian Scouts. The Mexican women did the laundry for the men, each soldier contributing one dollar a month for their services. The wife of one of the officers was Mrs. Marion Russell who lived until Christmas day, 1936, then nearly ninety two years of age. I have a letter from her daughter, Mrs. Marion E. Duling giving the account of her tragic death resulting from an auto crash December 24, 1936. Mrs. Russell was the daughter of an army surgeon, Dr. Sloan, who, in the spring of 1865, was stationed at Fort Union, New Mexico. Mrs. Russell, then Miss Marion Sloan, was nearly twenty years old. Here she met and married Lieut. R. D. Russell, a Canadian by birth, but at this time an officer in the regular army, and this is how she came to be at Camp Nichols in the summer of 1865 where she formed an intimate acquaintance with the commander, General Kit Carson. This dear old lady, whose mind was alert until her sad ending, gave, a few years ago, an interesting account of her summer at the old Fort. This was published in the Colorado Historical Magazine and has, by the Historical Society of that state, been placed at my disposal. The following is the gist of that interview:

"I was married at Fort Union, New Mexico, in February, 1865 to Lieut. R. D. Russell. My wedding journey was made to camp Nichols. In May, 1865, orders were given Kit Carson to march eastward along the Santa Fe Trail, which passed Fort Union, and establish a cantonment for the protection of the wagon trains and stages along the route. I did not go to this new point of defense till about two weeks after the troops had been at work at Camp Nichols, some hundred and twenty miles east.

"Kit Carson, who marched from Fort Union with his regulars and selected his site, would not let me make this initial journey although I begged that I might accompany my

husband and others, and scoffed at the idea of danger. But the Colonel was obdurate. About fifteen days after their arrival at Cedar Bluffs, he ordered Lieut. Russell to proceed with wagons and an escort to Fort Union, and on his return I accompanied him.



OLD FORT NICHOLS

Courtesy Colorado Historical Society.

1. Commissary.
2. Hospital.
3. Stable for cavalry.
4. Officers' quarters.
5. Kitchen.
6. Lieut. Henderson's cabin.
7. Lieut. Russell's cabin.
8. Lieut. Campbell's cabin.

9. Col. Kit Carson's tent.
10. Guards' tent.
11. Barada's grave.
12. Undescribed.
13. Flag pole.
14. Haystack.
15. Co. H soldiers' tents and dugouts.
16. Several rock houses.
17. Space for cavalry.
18. Path to water.
19. Santa Fe Trail.
20. Small tributary to Cimarron River.
21. Rock houses.

"On our arrival in June, we lived in army tents until our houses were completed. The latter were built of stone, half in the ground and half above, and had dirt roofs supported by logs. Timber for this and other purposes was cut at the head of one of the canyons, eleven miles west, and laboriously hauled to the new camp. The rooms were just on the outside of the fort, some twenty feet from the south wall.

"In these officers' quarters lived Major A. H. Pfeiffer, in command after Carson left, Captain R. C. Kemp, Captain Strom (California Company), Captain Hubbell, Captain William Henderson and Lieuts. John Drenner, Campbell and Ortner.

"The soldiers, some three hundred in number, slept in tents and dugouts within the enclosure. The Cheyennes and Arapahoes were especially bad east along the trail, and every two weeks, as the wagon trains collected from the west at Nichols, an escort of our soldiers accompanied them to Fort Dodge or Fort Larned, and returned with wagons west bound.

"Captain Strom was the first detailed to go east, and two weeks later my husband made the trip to Fort Larned where he joined Captain Strom's company and together they made the return to Fort Nichols, thirty two days being required for the journey. On this trip there were over five hundred

wagons, drawn by mules, horses and oxen. It was an imposing sight to watch the arrival of this great cavalcade of covered wagons with their massive, clanking wheels and high bodies, to listen to the cries of the men and the cracking of the whips, to observe the 'majordomo' as he rode up and down the line urging forward the tired animals, and to see about sunset this moving mass as it halted and prepared for the darkness.

"Our mail was irregular, arriving from Fort Union by express, but supplemented from occasional passing caravans westbound. Our houses consisted of two stone rooms, dirt floor and roof, with blankets for doors, and white cloth over the window frames in place of glass. Our water was brought from the stream some six hundred feet away, and a soldier was assigned us as a cook.

"The fare consisted of hardtack, bacon, beef, flour, sugar and coffee. We had no rice, dried fruit, potatoes or fresh vegetables; neither had we stoves. All cooking was done in dutch ovens. The scouts killed deer frequently along the breaks north and east and the squaws dressed the hides from these at the stream under the bank from the cantonment.

"The furniture was simple. Our bed was made from a log six feet long split in two and laid on the floor, then covered with boughs and blankets. A folding army table with no chairs completed the list.

"I distinctly recall Kit Carson in actions and appearance. He occupied any army tent just east of us. He was exceedingly kind and courteous to me, short of stature, slow of speech and sparing in conversation, though ever solicitous for our comfort. He visited much with us and I remember his crude English, 'whar' for where, and 'thar' for there.

"His tent usually had its sides rolled up. He lay much of the time on his rough bedstead, made of four short, forked posts set in the ground with poles across, and scanned the neighboring elevations, looking for Indians which, however, never came.

"The last time I saw him was as he, leading his horse, stopped at our tent, before our stone rooms were completed, the morning he set out for Fort Union, to bid me good-by and again warn me not to go out 'thar,' pointing off to the Santa Fe Trail, as the the Indians might get me. I was the last person he addressed before he mounted and rode away. I was never to see him again.

"My time was spent in short walks, watching the squaws as they busied themselves about the fort, or tanned deer hides at the stream, and with occasional short rides on horseback with Major Pfeiffer who taught me how to mount and sit in the saddle. His wife had, a short time before, been killed by the Indians at Fort Craig and he was shot in the hip with an arrow, which ever afterwards caused lameness and a great hatred for 'Injuns.'

"Each morning the ten Indian scouts would quietly ride away to return at sunset. Two pickets were kept out during the day, one two miles west, and the other about the same distance east, mounted always on fast horses, and at night sentinels were posted near the camp. No Indians ever ventured to attack us, though a few miles down the trail they continued their raids. The Howitzers at Camp Nichols were fired on one occasion only, July 4, 1865.

"This routine life lasted until the latter part of September when orders came to return to Fort Union. We left at Camp Nichols a stack of hay which the men had cut during the summer, and on the flag pole a notice warning against de-

stroying the property. Thus closed my life, though by no means my vivid recollection of it, at this historic fort on the Old Trail.”

Kit Carson did not long survive his services at Old Fort Nichols. He died at Fort Lyon, Colorado May 23, 1868 and there accorded a military funeral. Later his remains were



Courtesy Colorado Historical Society.
KIT CARSON MONUMENT,
Denver, Colorado.

removed to Taos, New Mexico, the place he for many years called his home. The history of many parts of the West is colored by the remarkable character and deeds of this redoubtable man, No Man's Land being among the sections not the least so honored.

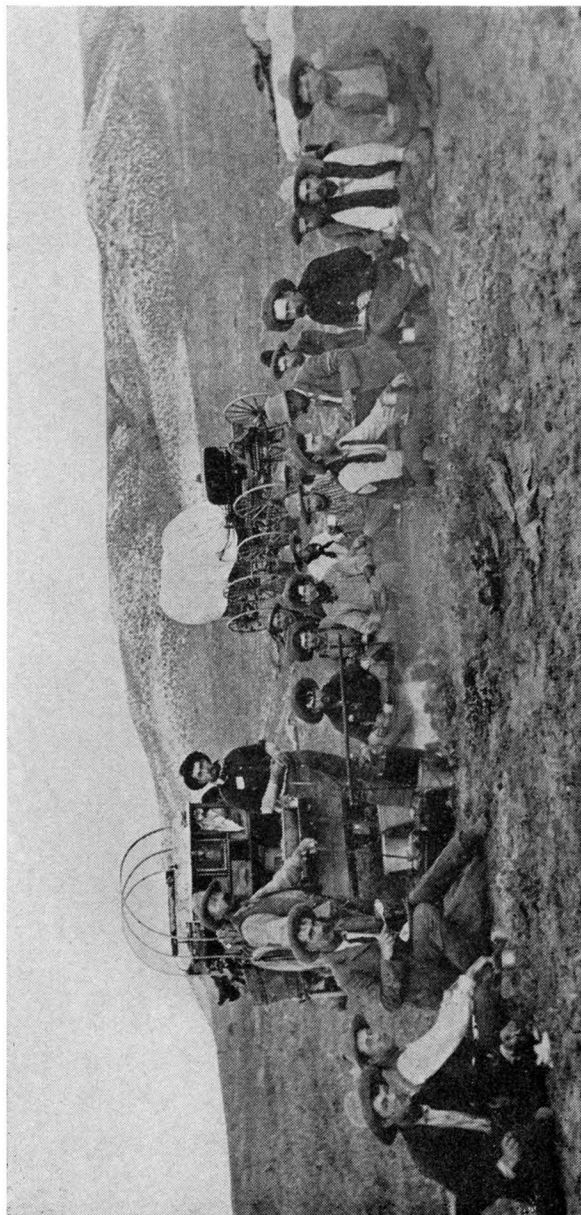
THE ERA OF THE CATTLEMEN.

The destruction of the buffalo and the placing of Indians on reservations opened the way for the cattlemen in No Man's Land. Texas had long been the great cattle-producing country. As farming increased in the southern part of that state cattlemen gradually moved northward with their herds and occupied the Texas Panhandle where by the late seventies and early eighties the prairies teemed with cattle. Tascosa in the heart of the cattle country was the cow-man town of north Texas.

No Man's Land, topographically, was but a continuation of the Texas Panhandle. There the grass was as fine and plentiful, and Beaver Creek, Coldwater Creek, Kiowa Creek and the Cimarron, together with numerous flowing springs provided ample water for the herds. Here were no taxes, no rents. The days of Indian raids were practically over and the ranch men felt secure. Here were nearly four million acres of grass going to waste. Why not have it do somebody some good? The Cow-man, properly and wisely moved in. The Santa Fe railroad had been built through Kansas and now it was but a comparatively short drive to Dodge City the cattle-shipping point. True many of the great herds from Texas continued to make the long trek to Montana and Wyoming, but the ranch men of No Man's Land, for several years enjoyed the most enviable position of any of the old-time cattle men of the whole expanse of southern or western cattle range.

For a time it was vaguely believed by many that the Cherokee Indians had some claim on No Man's Land. The Cherokees themselves made such claim. From the very early

eighties these Indians had collected rentals for grazing privileges from the ranchers in the Cherokee Strip on the east, and this source of profit whetted their appetites for more from a like source in No Man's Land.



DINNER FROM THE CHUCK WAGON

The right of the Cherokees to the Cherokee Strip Lands was unquestioned. The Cherokee treaties granted them the land as far west, within certain northern and southern limits, as the sovereignty of the United States extended; but such agreements were made before the United States came into ownership of No Man's Land; nevertheless, the Indians conceived and, to a considerable extent, carried out their purpose to collect from the cattlemen of No Man's Land, money for the privilege of grazing their cattle therein.

This vague belief as to the rights of the Cherokees to the lands west of 100° west longitude had a two-fold effect; it took from the cattlemen a considerable sum of money which went to the coffers of the Cherokee Nation while, on the other hand, it bolstered the belief on the part of many, that this was in fact Cherokee country and thereby put off the time when settlers should rush in and take possession, forcing out the cattlemen.

The decade of the eighties saw the great rush of settlers to southwestern Kansas. The caravans of covered wagons that entered that section during that period brought homesteaders who took physical possession of the country until practically every quarter section of land had its claim shanty, its dugout or its soddie and the prairie plow began its work of transforming the country from ranches to farms. But these homesteaders stopped at the southern Kansas line. The Cherokee Strip and No Man's Land to the south were looked upon as forbidden ground. The range cattlemen were forced out from western Kansas, but he was yet, for a time, to enjoy full sway in No Man's Land.

I have used the term "full sway" in the preceding paragraph. This was true generally; but at the very beginning of the occupation of the country by the cattlemen it was not

literally true. There were a few sheep men who came into the country a little ahead of the cattlemen, but they soon surrendered their grazing rights and moved out. It is apropos here to relate a personal visit to one of these old-time sheep men.

A Visit With an Old Spaniard.

One delightful day in October, 1935, in company with Mr. Kendall Baker, I went to the residence of Juan Luan on the banks of Carumpa Creek in the southwestern part of Cimarron county where I spent one of the most interesting afternoons of my life. This creek, "Carumpa," is the parent of the North Canadian River. Rising in New Mexico and pursuing its crooked channel across the Cimarron Meridian, the name "Carumpa" clings to it until it becomes Americanized some twenty-five miles east of New Mexico where it assumes the name "Beaver Creek" by which it is known to the point where it is joined by Wolf Creek at old Fort Supply. Here it is christened the "North Canadian River."

Approaching the domicile of this descendant of that ancient Spanish kingdom one observes an unobtrusive-looking structure, which from an outside view appears uninviting. But once within all is changed and one is delighted with the arrangement, the taste and the charm and friendliness of the occupants.

The family consisted of the old patriarch, his wife, two daughters and a granddaughter. Both the daughters are teachers in the public schools, one in Oklahoma, the other in New Mexico. The elder is a widow and the mother of the granddaughter. Without the presence of these daughters the interesting story here given could not have been written, for the old man spoke no English, though he had lived in that section since the early seventies. It is my belief that he was

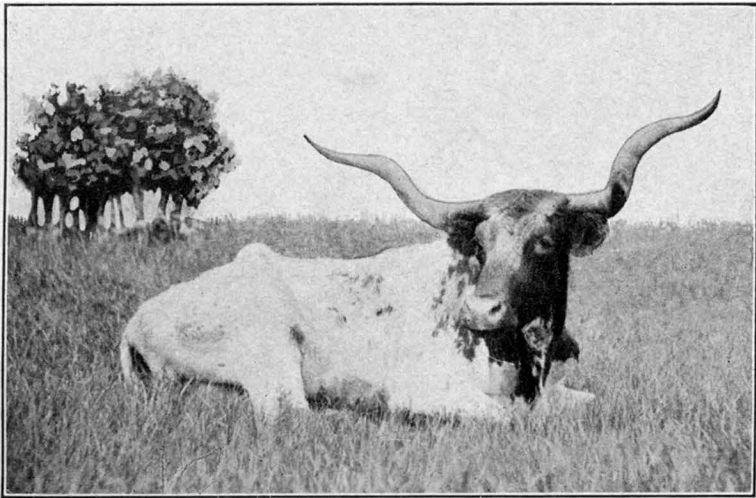
the oldest inhabitant of No Man's Land. But I wanted his story, he wished to tell it and the daughters were anxious to translate it.

The people of that community called him "the Old Mexican." He rather resented this, saying he was a Spaniard, speaking pure Castilian, the standard Spanish dialect.

When he came to this section of country he was in the employ of a Spaniard named Baca who brought into No Man's Land 30,000 head of sheep and a sufficient number of men to care properly for them. Among those employed was one Francisco Luan, a brother of Juan, who, a little while before had made a trip with a freight caravan over the Santa Fe Trail in 1872. Near this renowned trail was old Fort Nichols which was established by Colonel Kit Carson in 1865 and which was abandoned in the fall of that year. Juan stated that the walls of this old fort could be plainly seen from the trail and were, at that time, eight feet high. Juan said that on this trip they were endeavoring to reach a certain water hole for their night camping place, but trouble caused by the breaking of parts of first one wagon and then another so delayed them that they were unable to make it and were forced to camp on the prairie without water. The custom was for the entire train to stop whenever a wagon broke down. On reaching the coveted water hole the following forenoon they discovered that a band of Indians had camped at the place the night before as their camp fires were yet burning. They counted themselves lucky that they had a few break-downs.

The headquarters for this sheep herd was located in the forks of South Carizzo Creek and Road Canyon southwest of Kenton.

One day Indians captured this brother Francisco and some wished to kill him, but other members of the band objected. He represented himself as being the owner of the entire herd of sheep, believing that he might thus save himself and asked the savages what they wanted. They replied: "Whiskey, paint, provisions and ammunition." He promised them that he would see to it that after a certain number of moons they should have them.



A STEER OF THE OLD RANGE

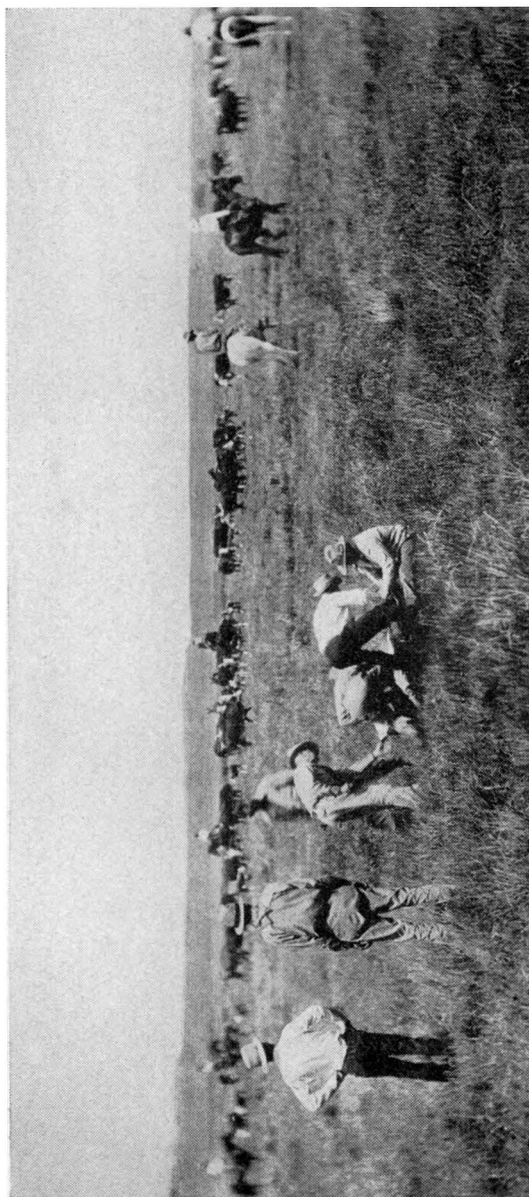
On another occasion some Indians stole and slaughtered two sheep and Juan Luan hazarded going to their village to obtain something in return for the stolen animals. Going to the tepee of the Chief he called him out and announced his mission. The chief gave a resounding whoop and painted savages to the number of more than a hundred came pouring from their lodges and setting up a commotion which frightened Luan almost out of his wits. Realizing his situation he quickly explained to the chief (using all manner of signs and

gesticulations) that he had been misunderstood—that he did not want pay for two little sheep, but had come to tell them they needed more sheep to feed so many. This ended the argument and Luan was glad to return to his headquarters without remuneration.

This old Spaniard averred that when he came to No Man's Land there was but little buffalo grass—that the native grass was tall enough to hide a buffalo when lying down, and that these monarchs of the plains were then plentiful. He also stated that there were mountain lions and other predatory animals, all of which had long since disappeared.

This great herd of 30,000 sheep grazed all over the present Cimarron county and as far west as Folsom, New Mexico. To care for this great number required some sixty men. These lived in tents and when the sheep were on the move the men protected themselves, in case of storm, by taking shelter under banks and in crevices of rocks of the canyons.

The unwritten law of the range from the time of Abraham and Lot has decreed that he who possesses the watering places is entitled to the use of the surrounding grazing lands. This old Spaniard, Baca, held the watering places in all the extreme western part of No Man's Land and when the cattlemen began to covet the rich ranges, they did not attempt to force the helpless sheep man from his possessions, though he owned not a square foot of the land. The cattlemen did not want his sheep but offered him \$21,000 in gold to move his herd farther west into New Mexico. With his 30,000 sheep and \$21,000 in gold he folded his tents and moved. Ere long No Man's Land became a cattle country and so remained until the coming of the squatters or "nesters" as they were dubbed by the cattlemen.



BRANDING AND MARKING

Luan said he well remembered when the first woman came into that section of country. Her name was Hilaria Gracia Quintuni, whose husband and two sons were employed on the sheep ranch, coming from Las Vegas to be with her family. This family lived in the house in which I had the long interview with Luan, and on many occasions, he stated, when she was alone at this far-away abode, she would steal away to the canyons, and lie hidden until the men returned at nightfall, to avoid possible harm from Indians.

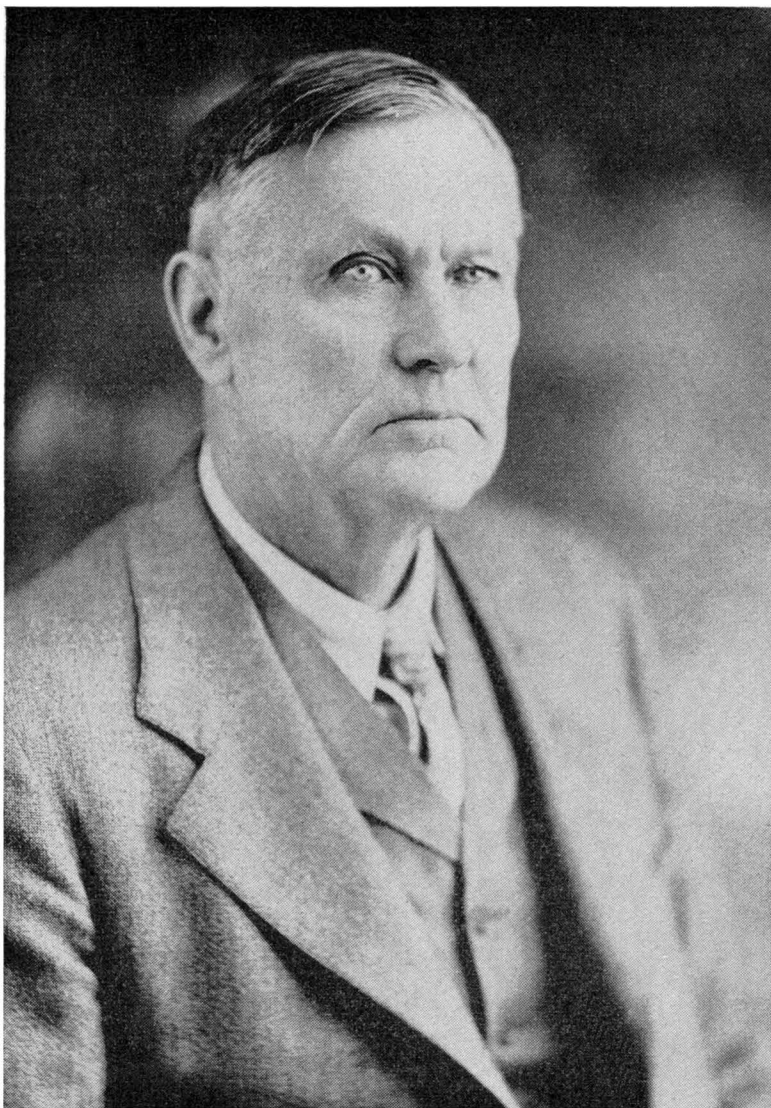
After removal of the large sheep herd, Luan and his family remained in No Man's Land. This woman who spent many lonesome days on the north bank of Carumpa Creek, later moved with her family to Clayton, New Mexico where she resided the remaining years of her life. Luan remained and reared his family in the same modest domicile, but with added improvement without and within. He always owned a small sheep herd.

When in later years the squatters came and the cattle ranches were no more; when the lands were made accessible to homestead entry; when settlers began, in truth, to own farms, a new and unexpected situation arose to disturb Luan. The entire country known as No Man's Land was, by act of Congress converted into an organized county with the county seat at Beaver City more than a hundred miles away—a place to which he had never been and of which he had scarcely heard. Peacefully living on the Carumpa and caring for his flocks, he was peremptorily commanded to appear at Beaver City to attend to a small matter—the payment of taxes. Taxes. What was that? Yes, he must pay taxes and he did, with the attached penalty. He had been compelled to make this long journey, all the way to Beaver, and return, requiring almost a week, he and his poor horses nearly worn out

and added to all this had to pay taxes. He couldn't understand it, but resolved never again to be caught in such a predicament, so left with a business man in Beaver sufficient money to pay his taxes for several years to follow.

This, in brief, is the story related to me by Juan Luan on the banks of the Carumpa one fine Sunday afternoon while hundreds of thousands of people in more densely populated areas were sitting by their radios listening to the World Series. Lucky I missed that game, for had I long deferred my visit with Juan Luan this story would never have been written. The fine old Castilian, soon thereafter, forever quit the range.

It is not our purpose to undertake a separate history of the numerous ranches which flourished for nearly a decade in No Man's Land. Theirs were the usual experiences of ranch life, the round-ups, the brandings, the shippings, the life at headquarters. Neither can we devote pages to the many men who made history in those days out on the prairies. The whole would be a repetition of experiences which prevailed throughout the days of ranching on all the great ranges of America. We can not refrain, however, from mentioning the names of a few of those hardy men who rode the prairies, night-herded, ate from chuck wagons, "busted" bronchos, munched sour-dough biscuits, endured all the hardships of ranch life, breathed the pure, fresh air of the prairies and waxed strong in that environment of nature which has been the lot of all too few of our people to enjoy. These men, sometimes rough, but always gentlemen, ready to resent a wrong or reward a kindness, quick to defend the innocent or wreak vengeance on the "rustler," laid the foundation for that later and more numerous civilization which followed their reign. I can not, far from their scene of action, recall the names of all those good men who comprised that band of cow-men and cowboys. I only wish I could; but here, at



BOSS NEFF

One of the first to come into No Man's Land arriving in 1883. He was here and in the country of Spanish speaking people early enough to learn much of that language. Was a cowboy among cow-

boys, an experienced roper and a man at all times dependable. He has remained with the country through the era of the cattlemen, squatters and homesteaders, been friends to them all and perhaps as widely known as any man in No Man's Land. He has doggedly hung on and in spite of all discouragements has managed to accumulate a competence. He is and has long been a leader in all matters looking to the public interest, always willing to spare time and money, if need be, for any good cause. He is well-informed and all visitors to his home in Hooker are made to feel themselves at home under his roof and delighted with his tales of olden times. From its organization he has been President of No Man's Land Historical Association. His name is carved high on the rocks of the world's greatest autograph album at Cold Springs Arroyo and his friendship is appreciated by all who know him.

least, are a few of them: Jack Hardesty, Boss Neff, The Kramers, Fred Tainter, Albert Easley, W. M. (Doc) Anshutz, Charley Hitch, Tom Hungate, John Skelly, George Ray, Herb Craig, Hal Darling, Henry Peas, Jim England, Bill Jay, Jim Mahoney. These antedate the coming of the "squatters" and some of them, happily remain. We doff our hats to them—these men who, without rancor or resentment, when the inevitable time came, resigned their former vocation, cast their lots among the sturdy band of newcomers and joined with them in "carrying the torch" into another and newer era.

Neither can we refrain from including a few instances of ranch life which were particular to that section.

The Drift Fence.

In the old days the whole plains country, from the Gulf of Mexico on the south to Canada on the North, was wide open. There was not a fence throughout the entire distance to bar the progress of man or beast. Not until many years succeeding the invention of barbed wire did the thought ever occur that ranges should be fenced in. Indeed without barbed wire, it would have been impossible to have enclosed even a small ranch except at great expense and laborious toil. When the cattlemen moved north into the Texas Panhandle and into No Man's Land there were no fences anywhere throughout

the entire country. Nearly four million acres in No Man's Land lay open without a physical line of demarkation.

When the occasional blizzard swept down from the north the cattle naturally drifted with the storm. If the blizzard was of long continuance the animals would drift many miles; but by this drifting and constant moving they saved themselves from perishing. Under such conditions the spring roundups were really big undertakings. This was when cowboys and cow-men from the numerous ranches repaired southward and there gathered up and separated the mingled herds and slowly brought them back to their wonted ranges.

Eventually the idea was conceived that by the erection of a fence extending east and west the cattle might be prevented from drifting so far southward, thus rendering the spring round-ups much less prolonged and less difficult undertakings.

THE WINNERS.

You never heard about the time
When Boss and Pocket won
The roping match, near Hardesty,
Back there in ninety-one?

Pomp James, a noted roper,
And cowboy of that day,
Rode up the trail from Texas,
To take the prize away.

Among the home-range cowboys,
Who, too, the rope could swing,
Was Boss Neff, riding Pocket,
As sure as anything.

Say! Pocket knew his innings,
And Boss roped pretty well;
So, when the match was over,
Not much was left to tell.

The keeper of the tallies
Made plain whose was the loss;
Pomp James coiled up his lariat,
And doffed his hat to Boss.

—M. C. H.

To this time no ranchmen had deemed it necessary to prepare winter feed. The rich grama grass and buffalo grass was as fattening and strength-giving in winter as it was in summer. For a good many years the winters had been mild and cattlemen suffered but little winter loss, five per cent being about the heaviest. The loss among horses was even lighter, as these, when snow lay on the ground, could with their hard hoofs paw away the snow and obtain the rich short grass much more easily than could cattle. Under these conditions cattle and horses were reared on the range and driven to market, mature and fat animals, never having tasted a bit of man-prepared feed. The cattlemen appeared to have about the safest and most profitable business in the world.

But the drift fence was built extending from the west line of Indian Territory on the east to New Mexico on the west, a distance of nearly a hundred and seventy miles. This line of barbed wires was a few miles south of the south line of No Man's Land. Another line was built nearly parallel with the Canadian River averaging about twelve to fifteen miles north of that stream. Then came the terrible blizzard of 1883. The cattle of southwestern Kansas, and of No Man's Land drifted with the storm. There was nothing to stop the



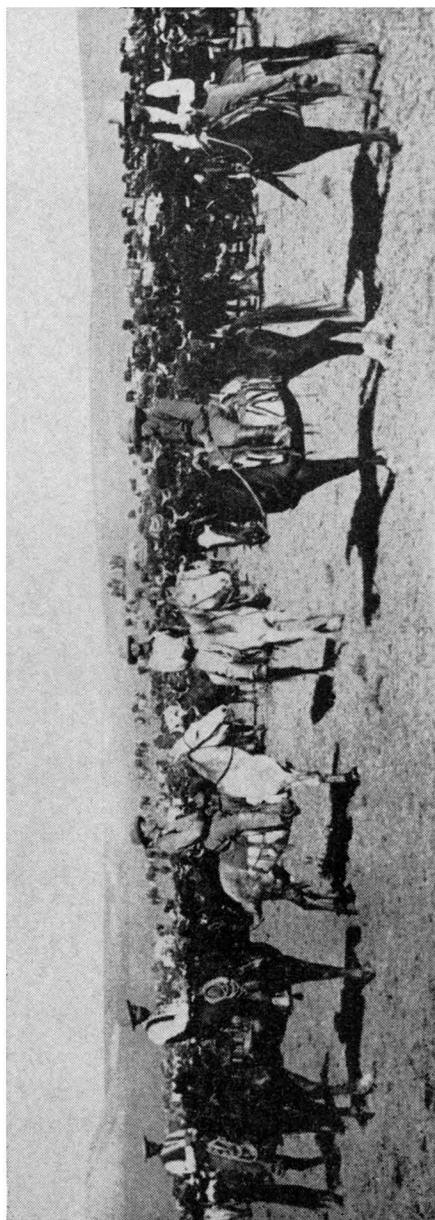
FRED TAINTER

Long-time rancher in No Man's Land with headquarters on Tainter Creek three miles north of Knowles. A Harvard graduate

who shared the hard knocks with the boys. During one of the hard years when some of the earliest settlers were proffered Government aid, Fred Tainter told the agents he would see that none in his section suffered and left orders with his foreman M. W. Anshutz to kill all the beeves needed by the people in his absence. That winter the ranch supplied twenty-three beeves to the needy of eastern No Man's Land without charge.

mad flight of the terror-stricken animals until they struck the first drift fence. When the tens of thousands of freezing cattle struck this fence they were apparently at the end of their flight. Here was no shelter, no food. The nutritious grass lay buried beneath a blanket of snow and ice. As they crowded up to the fence, they piled on top of each other until many of those on top of the mass toppled over the fence, and those not crippled continued their mad race southward only to be halted by total exhaustion or by the second drift fence.

When the storm had ceased and the cattlemen were able to make a survey of the situation, they found tens of thousands of the poor dead brutes piled along the north sides of the drift fences. Some ranchmen lost their entire herds, and the loss suffered by every cattle owner in No Man's Land was fearful. Some few cattle succeeded in getting through the two drift fences and with the coming of spring in 1884 the cattle owners launched a search for the remnants of their herds. Cowboys searched the State of Texas to the Gulf of Mexico for storm-drifted cattle. Some were found that had drifted and wandered a distance of five hundred miles. Carcasses lay scattered over the whole region of Texas west of the one hundredth meridian. The drift fence had proved the undoing of the very men who had hoped to reap from it a benefit. Many went entirely out of business while practically all others were compelled to start anew.



THE ROUNDUP

The Jack Hardesty War.

In the early days of the cattle industry in No Man's Land the herds from southern Texas and Mexico were trailed to northern Colorado, Wyoming and Montana. In these early drives from the south these herds entered near the east end. Colonel "Jack" Hardesty with a few other pioneer cattlemen of that section, fearing that these southern herds would spread the dread Texas fever among those that had ranged from the north, undertook to prevent the passing of these herds from southern latitudes through their vicinity. This brought on what was known as the "Jack Hardesty War." Hostilities were opened by the Colonel who employed a number of fighting men and located them near the east end of No Man's Land with positive instructions to suffer no herd from southern regions to enter from that quarter. For a short time all the advantages of the war were on the side of the Colonel; but soon the cattlemen of Texas registered complaint with the Government at Washington with the result that orders came from headquarters on the Potomac to break the blockade. A few cowboys armed with six-shooters were considered by the Colonel a rather insignificant force to attempt to hold back the United States regulars, who, it became apparent, would be sent to enforce the order, and the Colonel gracefully capitulated. Thus ended the short and bloodless "Jack Hardesty War." It remained for the early settlers or squatters in the country to make good their demands against the passing of these southern herds. Nearly every settler had a cow and seriously objected to the passing of infected herds near his premises. Accordingly a sort of organization was formed, not to prevent the progress of the herds through No Man's Land, but to confine them to a certain designated route. Some member of the organization was appointed to meet the herds at point of entrance and direct them along the authorized route.



MRS. M. W. (CARRIE SCHMOKER) ANSHUTZ

Native of Muscatine, Iowa. Came to southwestern Kansas in 1879. Daughter of Christian Schmoker, member of first board of county commissioners of Meade county, Kansas, to whom was handed the pen used in signing the bonds for the Rock Island Railroad, and who in turn presented it to Mrs. Anshutz. With her husband M. W. Anshutz she has long been a resident of No Man's Land, their ranch being on the course of the Cimarron River northeast of Beaver.



M. W. (DOC) ANSHUTZ

Born at Bellaire, Ohio. Came west in 1877 and established his residence in No Man's Land in 1881. Was a cowpuncher on the Fred Tainter Ranch three miles north of the present Knowles on Tainter Creek from 1881 until 1892. An old-timer whose friends have increased with the passing years.

One Alf Blocker came along with a herd of southern cattle and when met by the representative of the settlers' organization, peremptorily refused to be governed by the admonitions of the trail watcher and sternly informed him that he would drive his herd wherever he pleased. The obstreperous Blocker was at once reported and in an incredibly short time was confronted by a committee consisting of several stern-looking "nesters" and calmly advised that he could either follow the designated trail as other herds or that his entire herd together with its owner would be escorted back to the Texas line. Blocker meekly submitted, said the conversation of a couple of hours previous was only a joke, ordered his cook to prepare the members of the committee their dinners, and with this the last shadow of trouble vanished. The herd advanced unmolested along designated trail.

CHARLEY HITCH TELLS A STORY.

Charley Hitch is one of the best old-timers of No Man's Land and can be relied on to adhere quite closely to the truth. He tells the following story:

"At the time the railroad was built into Liberal, Kansas I was working for a Mr. Dudley who had a ranch on the headwaters of Beaver about ten miles below the old Lee Howard Ranch. Our house was some two hundred yards from Mr. Dudley's—we called it a house, but it was also known as the 'dog house' or the 'boys' house.' This domicile was about sixteen by forty feet, built of sod and divided into two rooms, in one of which was a fireplace. This was our living room, our kitchen and general lounging quarters. Here we gathered of evenings and told stories, sang songs, played cards and some of the boys occasionally wrote love letters to their girls. I was but little more than a kid, the youngest of the bunch and had no girl. We bunked in the other room.

"When Mr. Dudley was at home he rarely missed coming to our quarters of evenings and jollyng and visiting a while with the boys. One evening after returning from Dodge City, having been absent several days, he came to our dog house and chatted with us and appeared in high spirits and fine humor. After we had visited for some time he said, 'Well boys, I have good news.' We dropped our cards at once and he continued: 'You will not have to stand so many long night guards this fall. The railroad is building into Liberal.' You can imagine our feelings, but one boy remarked: 'That's fine for you, Dudley, but what will I do about seeing my girl at Dodge?' Dudley told him that he thought with the

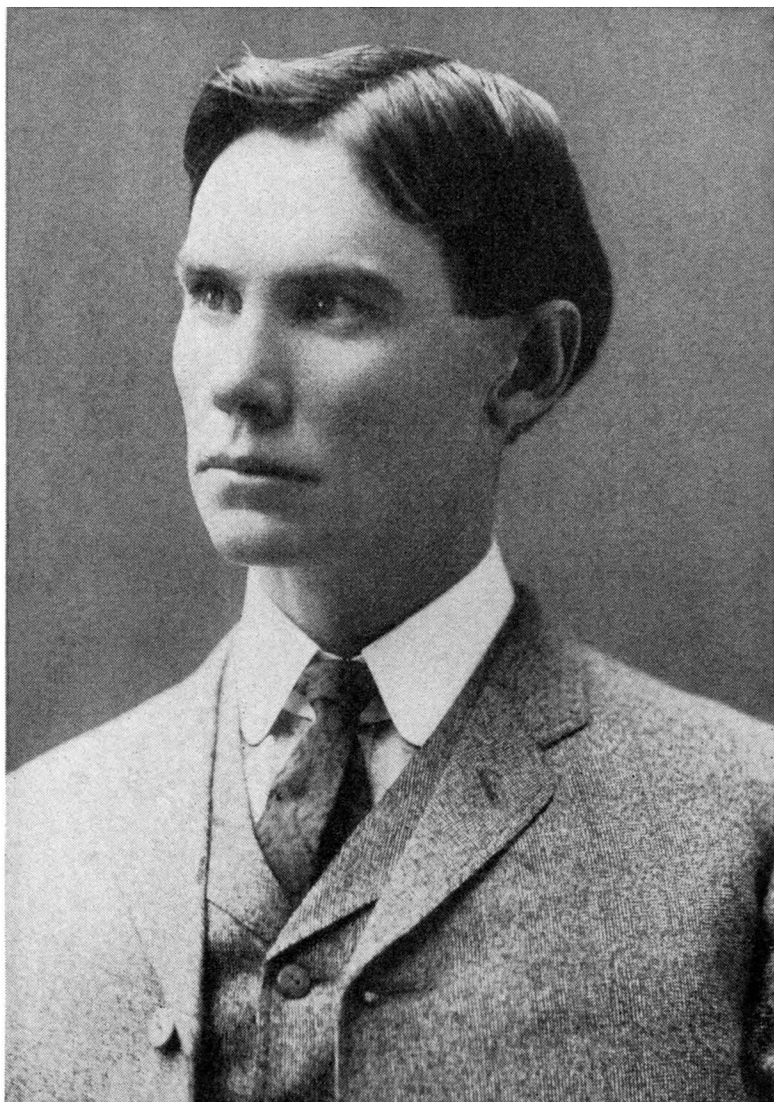
coming of the railroad there would soon be plenty of girls at Liberal. They built the railroad, as I remember in August, 1888, shot it right on southwest some seven or eight miles and stopped just over the Kansas line in No Man's Land. Here they built a big stock yard and a little town sprang up almost over night consisting principally of gamblers, girls and saloons.

"The first beef herd we drove that fall was one of 10,000 head, and there were thousands of cattle within sight of the shipping pens awaiting their turns to be loaded out. There were days of waiting, and the boys who had come up with the herds spent most of their time in administering the affairs of the new prairie town. They got drunk, shot most of the windows out of the saloons and dance halls and ran the gamblers to the sand hills where they hid out until most of the cattle were shipped and the cow-boy population had dwindled and things had cooled down.

"T. J. McDermot, father of Myra McDermot Stevenson, was for half a lifetime with the Rock Island and a jewel of a man. Mrs. McDermot owned the Rock Island Hotel in Liberal and made it home for all the cattlemen and cow-boys of the Southwest. Mrs. McDermot operated the hotel and her husband made his regular stops at Liberal as conductor of the Golden State Limited. Myra McDermot, with other girl friends of Liberal, used to come down on stock trains Sunday afternoons to watch us load cattle into the cars. The cattle seemed to go into the cars just a little better when the girls were there. Another feature was noticeable on these occasions. No matter how profane and rough a cowboy usually was, not an oath was ever heard when those girls were around. And here I desire to say that no class of men showed more courtesy and respect for ladies than did the early-day cowboys. There were times when they were rough, but

nothing of the sort ever appeared on the surface when real ladies were present.

“This little place, ‘Beer City,’ as it was called, was like other stock yard towns, differing only in size. A stage coach drawn by four white horses operated regularly between the now phantom city on the prairie and Liberal, the horses going each way on the run. Western Kansas was bad enough in the eighties; but in Kansas there was some semblance of law and order. We had no law in No Man’s Land and the bad men from Kansas would come across the line to ‘pull’ their dastardly ‘stuff.’”



CHARLEY HITCH

Came as a youngster from near Knoxville, Tennessee and landed at Garden City, Kansas in March, 1886. Completed the journey into No Man's Land in an old-fashioned stage coach drawn by four Texas ponies. The first settler on Coldwater Creek and a real old-timer.

ROBBERS' ROOST.

A few miles east and a little north of Kenton in the extreme northwest part of No Man's Land is a jumbled pile of rock which once formed the thick walls of what was known as Robbers' Roost. To the casual Rambler among the rugged hills of that section this mass of stone might be passed unnoticed; but a thoughtful glance convinces one that in times past scenes were here enacted which might have furnished material for a thrilling "movie." In the company of Mr. Albert Easley, the oldest settler in that community, I spent the greater part of a very interesting day. In that part of Oklahoma the Cimarron River threads its way among the rugged hills to reach the prairies which greet its waters miles below.

Mr. Easley has resided in that vicinity since March 4, 1882 and was an old-time employee of the original 101 Ranch—not the 101 Ranch made famous years later by the Miller Brothers in the Cherokee Outlet. The 101 Ranch on which Mr. Easley was employed was owned by Taylor, Doss and Owen whose headquarters was in a rock building on the south side of the Cimarron. This ranch was established about 1877 and the ruins of the old mess house yet remain. Mr. Easley worked on this ranch from the time of his arrival in the country until it was closed out about fifteen years later, the tail-ends being sold to George Miller who founded the 101 Ranch on the Salt Fork in the Cherokee Strip. Whether Miller adopted the brand of this old No Man's Land ranch, even Colonel Zach Miller is unable to state. The fact, however remains that the brand of the two ranches, operating at different periods and separated by nearly three hundred miles, were the same. It is certain the same branding

irons were not used, for Miller's original branding was done on the horn in small figures not more than an inch in height, while the Taylor, Doss and Owen brand was on the right side of the animal.

This ranch worked from forty to fifty men in summer and about twelve to fifteen in winter; had about five hundred saddle horses and ran from 30,000 to 40,000 cattle which grazed over lands extending into Kansas, Colorado, New Mexico and Texas. Mr. Easley says that during the entire time he worked on this ranch he never saw a windmill or a preacher and thinks that in the same period he worked with a hundred or more out-laws who drifted in from all parts of the United States. These men were good hands but rarely remained longer than a year. The six-shooter was the law, but there was comparatively little trouble. Headquarters were about six miles from Colorado, eight miles from New Mexico, thirty-two miles from the corner of Texas and sixty miles from Kansas. There were often fights and sometimes killings at Kenton, but except by accident there was never a man killed on the ranch.

Kenton was founded about 1885, starting with a lunch counter and three saloons. The lunch counter and one of the saloons were operated by a man named Muns, but he soon decided it was a little wild for him, so retired from business. The other two saloons were owned respectively by men named Pressley and Carter. The nearest post office was Madison, New Mexico, sixty miles away. All freight was hauled from Trinidad, Colorado, a hundred and ten miles distant. The first corn fed on the ranch cost two dollars a hundred in Trinidad and the cost for freighting added another dollar, making the cost at the ranch three dollars a hundred. Corn was fed only to the winter horses, those used by the twelve or fifteen men retained for winter work. Taylor,

Dawson and Owen did not sell directly to George Miller, but to an English company and Easley remained with the new owners. A telephone line was run in 1884 from Trinidad to the Z. H. Ranch twenty miles below on the Cimarron. The 101 Ranch was one of five patrons on this line which extended a distance of a hundred and thirty miles.

But we started to tell about Robbers' Roost. This old outlaw hold-out was destroyed and the band broken up before Mr. Easley came to the country, but he obtained a detailed account of the reign of these freebooters from a Mexican who had long been in the country. This Mexican was a sheep rancher who came there in the sixties and lived for many years on the flat in the fork of the Texiquetti and Cimarron, where he remained until about 1883.

The headquarters of this outlaw band was on the east bank of North Carizzo Creek about half a mile from the point of Black Mesa. Here they constructed a rock house sixteen by thirty six feet with walls about thirty inches thick. The redoubt had but one door and no window. There were three or four portholes on each side which were about four inches square on the outside but widened out on the inside to some eighteen or twenty inches. This enabled a gun man on the inside to direct his fire over a wide range with little or no danger from fire from without.

The outlaws came soon after the beginning of the gold rush along the Santa Fe Trail. The leader of the gang was one Captain Coe who is reported to have had as many as sixty men in his band. Sam Smith had a ranch about thirty miles north on North Carizzo where Coe was in the habit of occasionally stopping until Smith requested that his visits be discontinued. The Coe gang operated on wagon trains on the trail and stole Government mules from western military posts. The Coe men would dress as Indians and fre-

quently had Indians with them in their raids. About sixty miles up the Cimarron west from Kenton was Emory's Ranch, operated by a man named Sumpter, and known to be a stopping place for Coe on his return from raids to the southwest. Here soldiers from Fort Lyon, Colorado had lain in wait for two weeks hoping to intercept him, but despairing of his coming finally left. They had been gone but a short time when Coe arrived. Wary from traveling he was soon fast asleep. Mrs. Sumpter, evidently tiring of furnishing a resting and hiding place for the outlaw, dispatched her fourteen-year-old son on horseback to overtake and inform the soldiers. When the soldiers arrived Coe was yet sleeping soundly. He was aroused to discover himself surrounded by armed soldiers with no possibility of escape when he immediately exclaimed: "I can't see how it happened." But when, a little later he saw the panting and sweat-covered pony which the boy had ridden he said: "Now I understand." Coe was taken to Pueblo, Colorado where he was surrendered to the authorities by the soldiers, and where, it was reported, he was taken out and hanged. The boy, William Sumpter, who made the hurried ride to inform the soldiers, lived to the age of eighty six and died in the community where he performed his early feat of valor. Reckoning from dates given the time of Coe's capture was about 1863.

In their stone fortress at the "Roost" the desperadoes felt secure from capture; but conditions which had for several years continued could not prevail indefinitely, and the day of reckoning was approaching. The story continues that at last a company of soldiers from Fort Lyon under command of Captain Penrose approached from the north and crossing North Carizzo Creek to the west side several miles above the hold-out, came to position at the point of Black Mesa where, beyond the range of outlaw guns, they opened with a six-

pounder, and the fortress, thought by the desperadoes to be impregnable, was literally blown to bits. The first shot knocked out the west gable of their stronghold and what gangsters were in the "Roost" fled through the door on the east and escaped around the rocky hills eastward. The informer told Mr. Easley that three of the robbers were a little later captured at Fort Nichols. The gang which had already been depleted and which, by this time was demoralized by the loss of their leader was broken up and soon disappeared from the stage of action in No Man's Land. One of the cannon balls was afterwards picked up and for several years was to be seen at Kenton. Crompton Tate who at this writing resides at Kenton states that this was a six-pounder. I could not locate this old cannon ball. It appears that no one there seemed to think it worth preserving and somehow it disappeared.

LIGHTNING.

Among the numerous hands employed in the early days at the original 101 Ranch owned by Taylor, Doss and Owen was one negro, the only colored employee, known by the name "Lightning," a soubriquet given him because of his amazing quickness "on the draw." It was asserted that he could instantly flash his six-shooter and kill a raven while on the wing. Moreover he delighted in killing and his mania seemed to be the taking of life merely for the fun of it. He often boasted of his prowess with a six-shooter and his general demeanor around camp was such as to keep the men in a constant state of uneasiness. He had braggartly asserted to them that he wasn't afraid of the "whole blame camp" and that he "could kill all of them." This sort of talk did not conduce to the peace and serenity of the men around camp. He had been on the ranch but a short time when six Mexicans came in over the line from New Mexico ostensibly for a load of buffalo. Not finding any buffalo they killed a number of cattle belonging to the ranch and loaded their carcasses into their wagon. Lightning and another man of the ranch came upon these Mexicans after they had killed and loaded the cattle and while they were seated at breakfast. Without a moment's hesitation and with lightning rapidity, the negro killed all six of these Mexicans before they could rise to their feet. The white companion had no part in the killing and the negro was no more disturbed by the episode than if he had merely killed as many prairie dogs, calmly saying: "That was a before breakfast job." One night subsequent to this multiple killing of which the negro frequently boasted, and after the men of the ranch had retired to the bunk house, the negro came in and walked around among them, examining

every bed, apparently to determine whether they were all asleep. However, he passed out from the bunk house without drawing his gun. Ordinarily, seasoned cowboys are not given to nervousness, but the actions of this negro, together with his known ability to handle a six-shooter and his known proclivity for taking life without provocation kept the men of the camp almost in a state of "jitters."

No one desired to measure arms with this negro but it was the general sentiment that somehow the ranch should be rid of this disturbing element. A little later while on the round-up, about ten men, including Lightning, were camped on the Rabbit Ear Mesa a few miles northwest of the present town of Clayton, New Mexico. As they started down the Mesa the men so maneuvered as to get the negro in the lead when, at a signal, three of the men pulled their Winchesters and fired, all three shots taking effect in Lightning. He was rolled into a crevice in the rocks where, in all probability, his bones are bleaching at the present time.

The only reason for the killing of Lightning was that the men considered their own lives in danger so long as he continued with the outfit. The law in those days was carried at a man's side. The verdict to dispose of Lightning was quickly executed and so poor Lightning went over the division at about the same time as did Billy the Kid.

DAVE POOL.

After the close of the Civil War, the members of the band under the noted Guerrilla chief Quantrell, scattered to the four winds. The great majority of the men who had composed that band were content to have the record of their war-time deeds blotted out. The Younger boys and James boys, Frank and Jesse disdained to recognize the end of the conflict and remained "on the road." The Younger boys came to the end of their outlaw career in the unsuccessful attempt at bank robbery at Northfield, Minnesota when they were captured not many miles from the scene of their attempt and sentenced to the State Penitentiary at Stillwater for their natural lives. The James brothers who accompanied them in this raid made their escape and for several years thereafter continued on their career of robbing banks and trains until the death of Jesse at the hands of one Bob Ford, a companion in crime. The governor of Missouri, Thomas T. Crittendon, determined to rid his state of these notorious highwaymen and offered a reward of ten thousand dollars for either Frank or Jesse, dead or alive. Bob Ford took no chances but shot Jesse dead as he stood unarmed on a chair adjusting a picture which hung on the wall. Frank fearing that a similar fate awaited him, wrote the Governor, offering to surrender if he might have the guarantee that his life would be spared. The Governor would make no such guarantee but did promise that in case he surrendered he should have a fair trial. Frank surrendered, was tried at Gallatin, Missouri for the alleged murder of Captain Sheets, an official of the bank, pleaded "not guilty" and was freed by the jury.

There was one other member of this guerrilla band who, seeking solitude, came out near the northwest corner of No

Man's Land and with one Alf Peacock owned a small ranch up the Cimarron River about fifteen miles from Kenton. He had made many a hard ride with the James boys when they were dashing guerrilla cavalymen during the war. Whether he selected this particular point for the establishment of his little ranch for any other purpose than engaging in a small way in the stock business or whether for some other purpose, will, perhaps, never be known. The fact remains that the location of his ranch was well known to the James boys who made his ranch their stopping place when on their long rides between their hiding places in Missouri and Texas. Here they frequently obtained fresh mounts for the remaining end of their trips. Mr. A. C. Easley knew this man well. His name was Dave Pool. He came into the country in the seventies. Once while there Frank's horse "played out" and Dave gave him another. Frank mounted the animal only to realize that he was astride a buckner which corkscrewed all over the premises. Dave was much chagrined and apologized for his mistake. Frank, however, who had successfully ridden the animal, pronounced him a good horse and said he would just keep him.

On one of their trips through the country the James boys stopped at a restaurant in Trinidad. One man asked another, "Did you ever see the James boys?" "No." "Well, step into the restaurant and take a look at them, but don't gaze too long."

Near the ranch headquarters, Dave fenced in a small horse pasture in which he always kept a number of horses handy. In those days when a ranchman built a fence across any traveled trail he was expected to erect gates, and the traveling public, cowboys and others were supposed to always close them. A trail extended through this small horse pasture and Pool erected the regulation gates. Another ranchman,

one Bill Hall, who had but little affection for Pool, advised his hands not to respect Pool's gates. Pool, thereafter regularly found his gates open. One day one of Hall's men passed through, and as usual failed to close the gate. This negligence was observed by Pool who mounted a horse and followed the derelict about five miles, finally overtaking him. Pool rode up alongside of him and said, "Did you close the gate?" "No," said the man. "I'll have to ask you to go back and close it," said Pool. "No, I can't do that," said the man. "My boss told me not to respect your gates." "You'll go back quick and shut the gate or I'll kill you right here." They rode back together and the man closed the gate. "Now," said Pool, "Go through as often as you like. Stop and have dinner, stay all night if you like, but always shut the gate." That ended the gate trouble.

A horse thief once stole one of Pool's horses from this pasture and sold it to Hall. One day when Pool was at the Hall ranch he saw his horse tied in the stable. He said to Hall, "Mr. Hall, you have one of my horses." Hall replied, "May-be I have, but I bought it and paid for it and if you get it you'll have to get it through the courts." To which Pool rejoined, "It's a long way to court. I'm going to take the horse." So untying the animal he said, as he lead him away, "You can go to court if you want to."

THE SQUATTERS.

No Man's Land remained the realm of the cattlemen until they were crowded out by the so-called "squatters." We have detailed the devious windings in the history of this section from the original claim of La Salle to the time of the final assumption of ownership by the United States, giving the reasons for its having been left out from any organized state or territory. The United States congress, in laying out and organizing the surrounding commonwealths, not only isolated this region and left it an orphan among states but further neglected to attach it to any state or territory for judicial purposes. There was no judicial process in No Man's Land. The man who stole "rustled" cattle could not be arrested for the crime. There were no officers of the law to make an arrest; there were no magistrates before whom a complaint could be filed or by whom a warrant might be issued. There were no courts, no juries. Even United States Marshals were barred from entering the territory for the purpose of apprehending and arresting wrong-doers. Under such conditions honest men created their own courts and executed their own laws. These laws were few but specific. The stealing of cattle and horses was strictly forbidden by the code of the range and a "rustler" when once apprehended and proved guilty to the satisfaction of an improvised jury, was summarily hanged. There were no court expenses; no long-drawn-out trials; no delays; no appeals; no dockets; no paroles; no pardons. There was no prison, no gallows, no electric chair. In the execution of all orders inflicting the extreme penalty, but two articles were used, viz. a rope and a limb.

Just why this section of country was so long forsaken by Congress and its few inhabitants forced to the necessity

of setting up these summary measures is difficult to understand; but not for some time after the squatters took possession of the country was such defect remedied.

It has already been pointed out why No Man's Land remained so long unsettled though being territory of the United States. Many believed it the property of the Cherokees and therefore barred against homestead entry as was the Cherokee Outlet on the east, the property of that tribe of Indians. Many of the cattlemen who reaped benefit from the grazing lands of the country vaguely believed the same and actually, for several years paid annual rental to the Cherokees for grazing privileges.

But "truth will out." A young lawyer from Denver came into No Man's Land, not to graze cattle, but to spend a few days at one of the ranches, enticed thither by the presence of a charming daughter of the rancher. While being entertained at the ranch he remarked to the owner that it was foolish to pay the Cherokees for grazing purposes; that they had no right or title to the lands; that they were actually the property of the United States. An opinion was sought from the Government which, emanating from the Interior Department, sustained the statement of the young Denver lawyer. The ranchmen, on learning of this refused further to pay the Indians. This opinion was published in the newspapers generally with the result that squatters began to move in and occupy the country.

This movement by the so-called squatters into No Man's Land began about 1886 and was in "full-swing" in 1887. As yet there was not a mile of railroad in the country. Freightage was from Dodge City, a distance of nearly a hundred miles from the principal town, Beaver City. Let us contemplate conditions about the time the settlers moved in and the cattlemen moved out. Here was a stretch of country one hundred and sixty seven miles long and thirty four and a half

miles wide, as yet not even surveyed into sections. True it had been subdivided into congressional townships, but these were blocks of land six miles square, and to locate even one corner of these subdivisions it was necessary to find one of those zinc pots previously described. The settler positively knew one fact—that he was on Government land and believed the time would come when Congress would cause the survey to be completed into sections and quarter sections, establish a land office and permit him to file on his chosen quarter section. Yet, without a great deal of measuring and calculating he could not know what the numbers of his land would be or whether he might be on land which would be withheld by the Government from homestead entry. But he was willing to take the chance and so patiently waited.

The ordinary improvements on these squatter claims was a "soddie" in which the family dwelt, and these widely scattered abodes were about the only evidences of human habitation, except in the few scattering villages consisting largely of houses of the same material.

These little "soddies" while uninviting in appearance, were really comfortable dwellings. They effectually kept out the intense heat of summer and the cold of winter, and no small degree of art was employed in their erection. There were soddie builders in No Man's Land even as there are house builders now.

The sod was cut by a steel blade attached to two 2" x 6" pieces of wood set some twelve to sixteen inches apart according to the thickness of wall desired, and bolted firmly. This was adjustable so that any thickness desired might be cut, usually about three and a half inches. The wooden runners were so set that one was a few inches lower than the other, as one followed the furrow made by the preceding round. A seat was arranged on this wooden sled for the driver. The sod was not turned—the blade simply slipped un-

der the sod. A sharp steel blade at the side of the runner which ran on top of the sod, extended perpendicularly downward and was attached to the horizontal blade which did the cutting. Thus the sod was cut clear and even and left as it originally lay, simply being cut loose at the bottom and edge. Only one round could be cut loose at a time as the sod was to be removed from the furrow to allow the wider runner to slide along against the uncut sod. This made all the "slices" exactly the same width. Before removing from the furrow, this long slice of sod was cut into lengths desired, and evenly laid in the walls, breaking joints as with bricks in a building. In No Man's Land the so-called ridge poles were not ridge poles at all but 2" X 12" pieces set edgewise in the sod and resting on boards at the bottom which were concealed by the sod. This prevented settling of the ridge poles. Two extra such poles were laid, one midway on each side. On these, heavy boards were placed with one end resting on the center pole at the top. These boards were then covered with a layer of tarred paper and all covered over with one thickness of sod. A roof so arranged would effectually keep out the rain. The sides of the walls, inside and out, were neatly sheared with a sharp spade and when completed the entire cost, exclusive of labor would not exceed thirty five dollars. Most of the soddies had dirt floors. Some squatters repaired to gypsum beds and from the gypsum made a plaster with which they finished their walls. This greatly improved the lighting system. Usually there was but one door, set in a substantial frame with a strong header at the top. The walls at the sides of the door were built a thickness of sod above and another header was laid, resting on the walls. The gable was then finished with sod. This arrangement made allowance for the inevitable settling of the walls when the two header boards would come together thus increasing the strength above the door.



Sod house home of George Wallace fourteen miles southwest of Beaver City on the occasion of a Thanksgiving gathering. The "soddie" at the right is the kitchen.

THE SODDIE.

You are so homely, yet so beautiful;
Homely, because you are a house of sod
Awkwardly put together by rough hands,
That hoped to build a better dwelling soon;
Beautiful because the hands dwelled on
Within your walls, and made in you a home,
A refuge from the waste of No Man's Lands. . . .
Where Oklahoma points a finger west
Between the Kansas and the Texas Plain. . . .
A home in which those hands, loved, brought forth young,
And kept a humble reverence for their God.

You are still standing as I saw you last
Crumbling. . . the hands that made you are at rest.
They grew tired of soil that would not let loose
The rich returns they'd known on native land. . . .
And vacant, for the son of those same hands
Could not stay, when the city claimed his art,
Though his trained touch could never reproduce
The picture that your crusty sod bricks make
Sagging in their frames of rotten wood,
And mellowed all together in a glow
Of orange-colored sunlight from the West.

You are humble, yet so wonderful;
Humble, because you seem to bow in prayer,
As if you begged the yawning prairie 'round
To spare you and your memories of the past;
Wonderful, because you symbolize
Those patient hands, my pioneer father's hands. . . .
Each fall, I stand before you on this ground,
And hope you'll teach me faith my father had;
And may you burn a picture on my soul
So vivid, I'll forever keep it there.

—Josephine McGinnis, February, 1934.

The Squatters.

Frontiers, as a rule, attract a class of undesirables, but citizens of that class produce no wealth and can not long survive in a community financially poor. A few such citizens were attracted to Beaver City, the principal town in No Man's Land, but for the reason stated did not long remain.

As there was no law in the country honest citizens were driven to the necessity of devising their own. These were few and simple. Outlaws came to the country of course. But the majority of these were men who had committed crimes elsewhere and repaired to this section to avoid arrest in the states. These men rarely continued their crimes in No Man's Land for the reason that they knew that where there was no law providing for the punishment of crime, neither was there any restraint on the citizens from punishing criminals in their own way.

The economic condition of the country was a peculiar one—not duplicated elsewhere in the United States. During the period of settlement and prior to the time that laws were made applicable to the country the settlers made little attempt at growing crops. This appears strange but there were valid reasons for this. The settlers were poor. Few of them were able to purchase machinery necessary for raising, harvesting and threshing wheat, and had they possessed the needed equipment the distance to market was a hundred miles or more, necessitating a long and expensive wagon haul. Moreover, the price of wheat during these years was so low that the cost of transportation would nearly equal the price received. They did not raise corn for the reason that it was not a corn country, nor is it now. They had but few gardens for gardens do not thrive on freshly plowed sod. There was but little game in the country, all the deer and buffalo

long since having vanished. Many engaged in the business of gathering bones and hauling them to Dodge City. Here, at least, was one crop that required neither planting nor cultivating, but one which could not again be produced on the same land and which required several days of tedious work and driving over the surrounding country to collect a load of one ton. This load of bones, delivered in Dodge City would bring about eleven dollars, and as many days were required to gather and take this load to market. In the mean time the wife and children remained on the claim in No Man's Land.

Many of the settlers were unable to remain on their claims and were forced to go into neighboring states in quest of work. If the children were old enough to keep the mother company, the family remained on the claim; otherwise the entire family was loaded into a covered wagon and taken along. This covered wagon was the family home while absent from the soddie on the claim. If work was found for both man and team, the wagon bows were set into the ground, the wagon sheet drawn over them and this improvised shelter became their temporary home. Their meals were cooked over a fire built on the ground outside. It was a life that would appear almost unbearable, but there was little complaint. The family was looking forward with hope for the time when they should be in better circumstances in their own improved home in No Man's Land which they could, in fact, call their own. And for this privilege they patiently waited on Congress. There were but little murmurings of discontent, no anarchistic talk, no thought of Government relief except that relief which would permit them to make a living for themselves.

Fortunately there was but little sickness; there was no serious trouble with teeth, tonsils or adenoids; no talk of

vitamins; no computation of calories, and yet, many of the men of the middle west to-day, were the children who spent a few years of their early lives under just such conditions, and they are as rugged and free from chronic ailments as they who grew up in the same period in the areas of a more highly developed civilization.

The people who settled No Man's Land were peace-loving, law-abiding. They came mostly from the small towns and farms of the middle west with a desire to build for themselves homes by lawful means. They were accustomed to the restraints of laws governing the conduct of the citizens. Their minds had not been poisoned by absurd sophistries of soap-box orators, and for six years these same people, in a land without law, observed self-imposed restraints akin to those to which they had been accustomed in a land with law. These settlers did not steal nor rob; they did not covet; they did not give free rein to passion. They refrained from all these—not because laws forbade, but because they embodied in their characters the warp and woof of good citizenship. No Man's Land, during the era of the squatter, was truly a lawless country, but it was not inhabited by a lawless citizenry.

The change from a cattle country to a settled country was a sudden change, but it was a peaceful change, because both the cattlemen and the settlers were peaceful people. There were cowboys, of course, but not the sort of cowboys seen in the movies. They were just industrious, hard-working, well-meaning young men, sober always except occasionally when they reached the shipping point with their herds where they sometimes made things lively; but even their carousals on such occasions have been magnified many fold. As to cow-girls, they did not exist, and it would have been considered extremely immodest for a young lady to rig herself out in

modern cowgirl apparel and go cavorting over the prairie astride a broncho. There was none of this.

Naturally there were occasional outbreaks of violence, but compared with the general peaceful attitude of the entire country, these were few and these few were promptly and properly handled. The accounts of these occasional outbreaks were greatly exaggerated by correspondents for newspapers in surrounding states. As a rule it is the extraordinary and not the ordinary happenings in a country that receive most publicity. A hundred pages of history are usually devoted to one year of war, while one page may be devoted to a hundred years of peace. Many pages have been written of the brave men who have heroically defended their families, their homes and their country, and rightfully so, but all too few have been written of the devoted wife and mother who, in such soul-testing years as faced the settlers in No Man's Land, bravely and uncomplainingly held the home together.

Nobody knows of the work it makes
To keep the home together,
Nobody knows of the steps it takes,
Nobody knows— but mother.
Nobody knows of the tears that start,
Of grief she bravely smothers.
Nobody knows of the breaking heart,
Nobody— only mother.

Picture, if you will, the desolation, the monotony, the loneliness, the deferred hopes that presented themselves day after day, week after week to the woman on the claim—out there on the broad prairie—not a tree, a shrub or a flower in sight; huddled with her lonesome little brood in a sod house a full half mile from the nearest sign of life or human habi-

tation. There is perhaps no family cow, no chickens, no highway with its passing wagons, no team of horses in sight for that has gone with its owner with a load of bones or in search of work, no knowledge of when owner and team will return, no daily mail to bring her the news from the outside world, no telephone by means of which she might converse with a neighbor, no cloth for making garments to replace the rapidly disappearing ones on the children, no physician within many miles of the domicile to summon in case of sickness, and all the while a blazing sun beating down on the dry buffalo grass—these were things that made the heart sick. Yet she played and laughed with her children and cheered their little spirits while her own was sinking; cooed them to sleep in their rude beds, then lay wakeful most of the night listening to the monotonous winds and the howling of coyotes. To these stout-hearted heroines belong the pacans and the halos. These women suffered more than any soldier who ever went to battle. Leonidas at Thermopylae performed no greater act of heroism than did these women who held down the claims for six long and dreary years in No Man's Land.

Mary Fore came from her old home in northwest Missouri in the summer of 1887. Her father, Hays B. Fore, who had preceded her met her when she alighted from the train at Cimarron, Kansas.

From Cimarron they made their way in a covered wagon to the squatter claim of Mr. Fore. They camped the first night on the plains—not a house in sight. A storm was gathering and Mary suggested going into a near by vacant dugout for safety, but her father said No. The wind blew furiously and the rain fell in sheets, yet they spent the night in comfort. Next morning water was two feet deep in the dugout. By the afternoon of the second day seven wagons

were in the train. They crossed a small stream and a little later Mary inquired when they should reach the Cimarron River she had heard so much about, and was informed that they had already crossed it. She was disappointed, for she had expected to see a fine clear stream with timber, like the one near their old Missouri home.

In early July Mary, with her father and a few others went below Sharp's Creek near the Beaver, where they gathered about six bushels of wild plums. On their way home across the plains they saw a band of wild horses, lineal descendants of those equines which escaped from the early Spaniards in the Southwest. These, about a hundred in number, appeared to be of every possible color peculiar to the horse species, all on the "lope" and followed by a man on a cart. The beautiful mirage at the time made it appear that the horses were galloping through a placid lake. These, a herd of antelope and two or three jack rabbits, were the only living things seen on this trip and were the first that Mary had ever seen.

One day Mary went with an uncle to where a construction gang was working on the grade for the Rock Island railroad and there discovered the gang foreman to be an old-time Missouri friend "Nat" Jameson. What a meeting away out there on the prairie! Nat's brother was driving a team hitched to a scraper and for a time work was nearly suspended. The following Sunday the foreman deserted the camp and received a welcome at the Fore dugout. The afternoon was spent in visiting, and Mary assisted "Nat" in writing a long letter to his sweetheart back in Old Missouri.

The following February the dear mother and remaining members of the family came with home-cured meats and home-canned fruits, and oh, how good those home-cured hams did taste after a year's diet of dry salt bacon.

On the first of April, 1888 the first passenger train to West Plains arrived with clouds of smoke, screaming steam whistle, clanging of bell and odor of coal smoke. The whistle and bell made sweet music and the scent of the coal smoke was delightful perfume. But how blank the passengers looked as they alighted from the train. Not a tree, a shrub, a flower or a lodging place. "What business has a railroad train coming to such a place as this?" perhaps some asked in their minds.

That summer Bob Tugle and Tom Rail were employed by the railroad company to dig a well at the stock yards or cattle pens seven miles from the Fore residence and just south of the Kansas line in No Man's Land and during the completion of this work boarded at the Fores. After the well was completed the railroad gang erected a windmill and Mr. Fore was employed to look after the mill which necessitated their moving to the vicinity of the cattle pens, and here Mary saw what comparatively few young women ever saw—the loading of long trains of cattle for shipment to market. This was usually done on Sunday afternoons when the young people of the community would assemble and watch the men as they corralled and carred the cattle. At the well were erected long strings of troughs and here thousands and thousands of cattle were watered before starting on their last long journey.

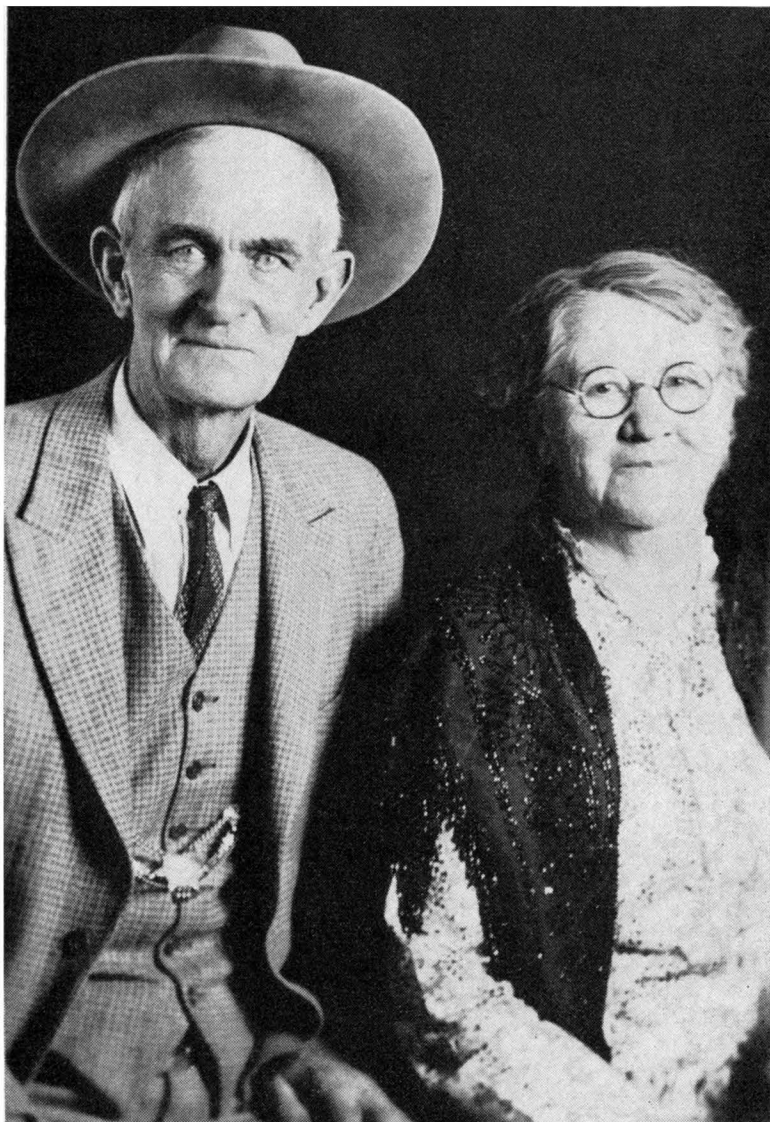
Before moving to the vicinity of the well, Mary taught a subscription school for the children of the community. This was conducted in a little sod house eight by ten feet where she assembled sixteen pupils, and to and from which she walked every school day a distance of three miles each way. The school was conducted for three months and for her services she received in cash two dollars; but the parents of the children were not unappreciative, for she was the re-

cient of chickens and pigs and feed they had raised on their squatter claims. Some did plowing on hers or her father's claim; one family gave chairs, one a plow and another a calf—they gave anything she could use and that they could spare. In the fall of 1889 Mary taught another school in the home of Mrs. B. E. Blake which also was maintained for three months and where she taught some dozen pupils, several being the children of the Blakes. For this she received two dollars a week and board. That winter they had a Christmas tree. For the tree they found a little dead cottonwood which they erected and trimmed with tissue paper; they bought oranges and apples, and made popcorn balls—yes, they had presents for all, and they knew beforehand just who would be there. Mary sent to Chicago and bought a double handful of tiny dolls—not an inch long, then halved the shells of English walnuts and inside these placed the tiny dolls, one in each little globe. These were tastefully wrapped and a child's name written on each. These and the popcorn balls, the oranges and apples were the sum total of the presents on that Christmas tree.

The young folks would go to Sunday school or church, usually on horseback and rode on the "lope." Perhaps some cowboy would say: "Listen to the music of the horses' feet," or some one might say: "Watch your horse, I'm going to strike a match."

Once coming from Fargo Springs in a wagon they met a family in a fine surrey. This was unusual, as nearly everybody traveled on horseback or in wagons. The lady in the surrey wore a fine silk dress. The motive power for the vehicle in which she was riding was a long-eared shaggy mule and the family cow hitched together, but the outfit moved along, the lady in her silk, disdaining to notice the poor unfortunates in their common farm wagon.

Mary very naturally married one of the good cowboys of No Man's Land; being on a well-traveled trail the two for a time kept a road station and Mary was made postmaster for the community. She yet lives in No Man's Land with her good husband James whom everybody calls "Jim" not far from the banks of Beaver where, instead of picking up bones as in early times, archaeologists now come to their place to excavate and carry away to New York the bones of prehistoric animals that roamed that country when the Rocky Mountains were a lake.



MR. AND MRS. JAMES ENGLAND

One of the remaining few of the original early couples of No Man's Land.

SQUATTERS' RIGHTS RULES.

Notwithstanding the general peaceable character of the squatters on the claims there were some disputes as to the rightful holders, and occasionally there appeared among them dishonest men who came to be known as "road trotters," who made it their business to intimidate honest settlers into paying them money by claiming to be the rightful owners, but offering to surrender their rights for a stipulated sum. Few of the squatters had much money. Some managed to "rake up" the amount demanded, and some were actually frightened from their claims. In order to put a stop to such practice and to adjust differences between honest claimants a public meeting was held in Beaver City, August 26, 1886 for the purpose of devising and adopting rules applicable to the prevailing conditions. Then, as now, public opinion was the permanent ruling power. These rules were adopted by oral vote and were to be protective of all claimants who signified their approval by signing their names thereto and to such other persons as were named in the rules. In the absence of written law these rules fairly well served the purposes for which they were prescribed. Under these rules any person of legal age might hold a claim of one hundred and sixty acres until April 1, 1887 provided by that time he had plowed at least five acres or made other equivalent improvement.

Any such person could also hold a claim for each member of his family—father, mother, sisters, brothers, sons and daughters over twenty one years of age provided he made the required improvements on each claim and furnished a

description of each claim so held, together with the name of each member of his family for whom held.

All persons who had taken claims and made improvements and had for good reasons gone away but with the intention of returning and all non-residents who had caused claims to be surveyed and had made improvements were allowed four months from August 26, 1886 to come upon their claims. Penalty for failure to do so was the forfeiture of their claims.

Penalty for "jumping" claims, trespassing on or damaging a claim belonging to any signer of the rules, or to anybody entitled to their benefits was a polite invitation to get off the claim and make good any and all damage done. If, after twenty-four hours after the serving of such notice no attention was paid to the invitation, measures sufficiently severe were to be employed to compel such person to comply. Measures "sufficiently severe" were well understood by everybody.

TASCOA AND DODGE CITY.

When the Texas soldiers returned from the Civil War in 1865 they found the plains teeming with cattle and for the ten years succeeding hundreds of them preempted grazing lands in the north part of the state known as the Texas Panhandle. In 1879 the town of Tascosa was born when John Cane opened a cattlemen's outfitting store on the north bank of the South Canadian River.

During the preceding ten years this area had been a favorite gathering place for cattlemen and cowboys operating on the surrounding plains. Tascosa at the time of its birth was in the center of an unfenced range extending nearly a thousand miles east and west and untraversed by a railroad. It became a cow town among cow towns and boasted of a "boot hill cemetery," a burying place where only those who died with their boots on were laid to rest. During the hey-day years of the range cattle business in the Panhandle twenty-six such burials were made there. North of the area even then known as No Man's Land lay southwestern Kansas, resembling the Texas Panhandle only in topography. Kansas soldiers also returned from the Civil War, but instead of generally going into the cattle business they spread out over the stretches of prairie and began to turn the sod and convert the country into farms. A tremendous agricultural and industrial boom was soon on. Wichita, at the western edge of the Kansas settlements, sprang into existence like a mushroom and was the boomiest town of all boom towns. With the extension of the Santa Fe railroad westward Dodge City came into existence almost over night and like Tascosa was another cow town. But there was a difference between Tascosa and Dodge City. Tascosa was in the heart of the great cattle-producing

range. Dodge City was at the terminus of the drives from the south. Tascosa produced, Dodge City shipped. But both were cow towns and each had a "boot hill." Cowboys swarmed in each, starting with drives from the Tascosa region and ending them at Dodge where they celebrated. Both were "wild and wooly" towns. These towns were not rivals; each for a time was dependent on the other. They were not engaged in the same phase of the cattle business. Dodge City was a frontier town populated by men and women fresh from civilization farther east. Dodge City was the nearest railroad town to Tascosa and between the two points the hoofs of the freighters' mules beat out the old Jones and Plummer Trail which had been laid out by Charles E. Jones. This trail was the great highway between these wild and cavorting towns of the Old West.

About eighty miles southwest of Dodge the Jones and Plummer trail crossed Beaver Creek in No Man's Land. On the south side of the Beaver where this trail crossed was a broad and well-watered valley with an abundance of nutritious buffalo grass. Freighters from the north usually crossed to the south side of this stream to camp. There were two reasons for this; first, it was a better place to camp than the sandy hills which presented themselves on the north; second, the river at this point sometimes presented crossing difficulties, and a night rise of the stream might seriously delay a south-bound freighter who had camped for the night on the north side. From these two considerations it became the general custom of freighters to cross to the south side for the night. Here on the rich grass the freighters often permitted their teams to graze and recuperate for two or three days before resuming their journey southwestward on the long drive over the treeless prairies to Tascosa.



JIM LANE

First settler in Beaver.

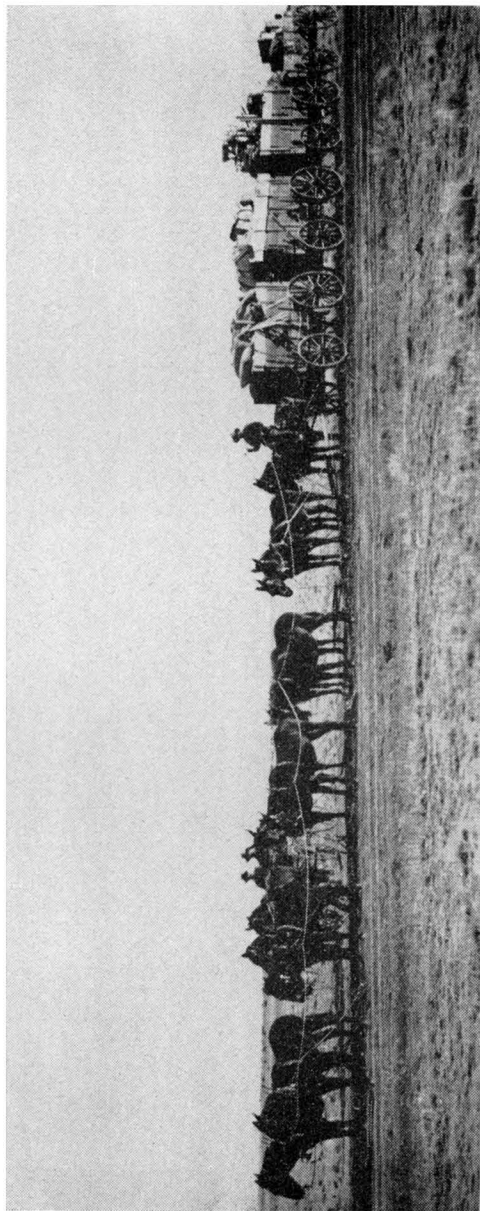
Jim Lane, a freighter on this trail, conceived the idea of establishing a supply store at this crossing for the accommodation of freighters—and more especially, perhaps, for his own profit. So, in the year 1879, the very year in which John Cane opened his store on the banks of the Canadian in Texas, Lane built a sod house on the south side of the Beaver in No Man's Land. The erection of this sod house was the "alpha" of Beaver City. It was on a freighters' trail midway between Tascosa and Dodge City.

Lane had made a fine selection of a site for his store and ranch. From the time of the building of the Atchison, Topeka and Santa Fe Railroad through western Kansas until the Fort Worth and Denver Railroad was built across the Texas Panhandle, there was no other trail in the West over which as many freight wagons passed as over that leading from Dodge City over the Jones and Plummer Trail. These freight outfits generally consisted of three to five wagons drawn by

from ten to twenty mules, the average outfit consisting of four wagons and twelve mules. These mules were lined out two abreast, constituting six pairs of mules. The driver sat astride the rear nigh (left) mule, and with a single line threaded through the harness of the teams ahead and reaching to the nigh lead mule, directed this entire tandem team by the dextrous use of this one line. It is fortunate that from the very few photos of such outfits, made forty or fifty years ago, we are able to furnish one for the readers of this volume. This was made at Liberal, Kansas, in 1890. Milo Caple was the driver and his wagons were loaded for a cattle ranch northeast of Amarillo in the Texas Panhandle. This man was so adept in handling such outfits that on a wager he turned this entire team of twelve mules and four wagons on a street intersection of Liberal, Kansas, for which feat he was presented with the best hat that could be purchased in Liberal. Observe not only the hook-up of the teams but the manner in which the wagons are hitched.

The net load on these four wagons was twenty one thousand, three hundred pounds. Note also how the whippletrees behind each team lie on the ground. They are off the ground only when the teams are pulling. A single chain to which these whippletrees are attached extends from the wagon to the lead team.

In addition to his original sod house Lane built a sod corral about seventy five feet square, the walls being about four feet high. He also built a low shed with a sod roof on one side beneath which horses, mules and cattle could be sheltered from a blizzard. This was one of the comforts provided by the freighters. Other comforts, deemed indispensable were whiskey, tobacco and cartridges. For several years he had a complete monopoly in traders' "comforts." Cowboys often came to Lane's ranch on the Beaver, and people en-



Freighter Milo Caple with an outfit of twelve mules and four wagons.

route to Texas often rested here for a time. Many of those who stopped had noted the fertility of the soil, but none thought of settling for farming, as it was then tentatively thought that this section was a part of Indian Territory—in fact the few post offices which were about that time located in the “Neutral Strip” or “No Man’s Land” as it was called, had the letters “I. T.” which furnished some ground for such belief. It appeared to indicate that even the Government at Washington so considered it. I have seen some of these old post office records and observed these letters “I. T.” This clearly indicates that the egregious error was committed by the Post Office Department at Washington. Had the Department of Interior been consulted it is probable that these letters would never have appeared in No Man’s Land, for it was never a part of Indian Territory.

BEAVER CITY.

The handsome profits made on real estate in booming Wichita stimulated a few of her citizens to organize what was known as "The Beaver Townsite Company." This company was formed in March, 1886 with N. McCleave, president; C. R. Miller, treasurer; William Waddle, local agent and Ernest A. Reiman, civil engineer. The purpose of the company was to boom a town on Beaver River in No Man's Land. After looking over the country up and down the Beaver, the prospectors were of the opinion that the strategic point had already been found by Mr. Lane. Accordingly Waddle and Reiman, with four assistants rode up to Lane's ranch and announced to the "dispenser of comforts" that they had come to survey a townsite. They further advised him that it had been definitely determined that the "Strip" (No Man's Land) was the property of the United States Government and that there was nothing to prevent such settlement. But Lane had already settled there and had been a resident of the place for seven years. True, he had not filed on any land, nor could he for the reason that he had had no opportunity for doing so. But he well reasoned that if it was Government land he was exercising the right of a squatter and therefore entitled to possession. They pictured to him the wonderful city that had sprung up on the banks of the Arkansas; of the wealth it had brought to the promoters and finally made an oral agreement that Lane should surrender his rights as a squatter and become the owner of part of the site of the flourishing city which was soon to be founded. The agreement was that Lane should have two blocks of lots in the new town. Engineer Reiman surveyed and platted the town

and on the plat of the city as certified by him was shown two blocks marked "Lane's Reserve."

Having completed the survey, members of the Townsite company went to Washington to enter their townsite under the Federal Townsite laws and proceeded at the same time to let the country know all about the wonderful new city on the Beaver. The Wichita papers were filled with glowing descriptions of the wonderful new town and beautiful circulars and handbills were sent broadcast throughout the country. Agent Waddle built a two-room sod house—one for his office, the other for his residence and serenely waited for the coming of the population.

People began to arrive before agent Waddle received his plat from the engineer. When the plat was finally delivered he found himself in the predicament of having no title. He could show the lots, both on the plat and on the townsite but could deliver no deeds. The townsite company had failed to get title for two reasons: the country had been surveyed into townships only, and there was no land office or United States court that had any authority in the territory. It appeared that the company had expended its money for surveys and advertising, all for naught. As squatters, settlers could hold only such lots as they built on, not exceeding two in number, and obtain title only by continuing to hold them until the survey of the country was completed and a United States land office was established.

The misfortune of the townsite company did not greatly disturb the settlers. They could locate on lots and improve them and thus obtain the first right to title whenever the Strip "came in," as they designated the extending of the laws of the country over No Man's Land.

Four sod houses were completed the first four weeks after the platting of the town, and within four more weeks

twenty were under way or completed. D. R. Healey built the first livery stable in Beaver City. In those days a livery stable was among the first of buildings to be erected. No urban community without a livery stable could call itself a city. Healey's stable was a dugout, built with a bank of earth for the sides and back and roofed with sod. The second building was Jim Donnelly's saloon with sod walls and wood roof. This was followed by a number of sod dwellings. Addison Mundel, who later became the city's first marshal, built the first wooden business house and L. E. Harlan, who later served as sheriff of the provisional county government, built the first wooden dwelling.

The news of the establishment of a town in No Man's Land brought cowboys from a hundred miles or more and freighters' trains tarried somewhat longer than when Jim Lane comprised the total resident population.

KILLING OF THOMPSON AND BENNETT.

As yet Beaver City had no semblance of organized municipal government. In a town situated in an area wholly outside of the jurisdiction of courts of law it was inevitable that outbreaks would occasionally occur to disturb the peace of the majority who were, in fact, peace and conscience-governed people. In time a sort of provisional government was organized under which the people managed to get along until the long-awaited-for time came that statute law was extended over the land. But here were freighters, cowboys, transients together with a sprinkling of that undesirable element which habitually flock to places where they can ply their obnoxious practices without hindrance. The country was settling up with honorable people who, while holding their squatters' claims and patiently awaiting the good pleasure of Congress to afford them an opportunity to "file" sought to be governed by the Golden Rule and attend to their own business.

But men and women of the undesirable kind, occasionally caused trouble. Within this class were a few men who sought to replenish their purses by the practice of what would now be called "high-jacking," but which then was known by the term "road trotting." In later years the practice was called "claim jumping." Among the most notorious of this class were two men named O. P. Bennett and Frank Thompson. This pair had been intimidating settlers forcing them to pay money for the privilege of remaining on their claims, and committing other acts of lawlessness which in time reached the point where it was deemed proper to put a stop to their nefarious doings. A posse was formed, the two "road trot-

ters" by a ruse were enticed into a building and there literally riddled with bullets.

An informal inquest was held over the bodies of the two men, the jury returning the following verdict:

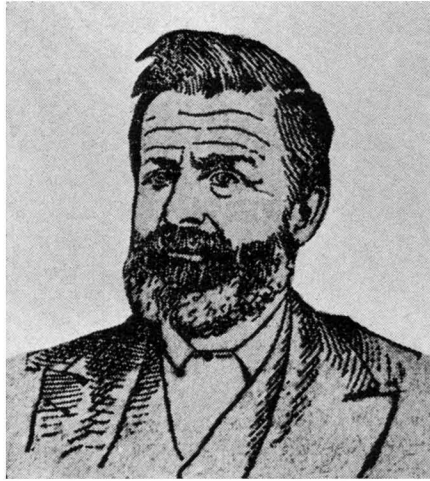
"We, the jury appointed to view the remains of O. P. Bennett and Frank Thompson, find that they came to their deaths from gun-shot wounds received at the hands of many law-abiding citizens, thereby inflicting, as near as possible, the extreme penalty of the law as it should be done in such cases. The deceased were bad citizens, one having run a house of prostitution and the other living in open adultery in our town. Each was accused of stealing and receiving stolen property, some of which was found in their possession after they were killed. They had each been firing into houses, holding a dozen or more claims and driving honest settlers out of the country, and their untimely ending is the result of their own many wrongs."

Signed: J. A. Overstreet.
Lafe Wells,
James Deverie,
Joseph Hunter,
H. D. Wright,
G. E. Myers, Jurymen.
O. G. Chase, Secretary.

Dr. Overstreet, a Presbyterian minister, conducted the funeral for these men, which was the first in Beaver City after the coming of the settlers. For his text he used the eighth and twenty-third verses of the ninety-fourth Psalm: "Consider ye brutish among the people and ye fools, when will ye be wise?" "And he hath brought upon them their

own iniquity, and will cut them off in their own wickedness; Jehovah our God will cut them off."

The text, no doubt, was comforting to the members of the posse that "cut them off," as well as to the 'coroner's' jury which inquired into the deaths of the two men.



O. G. CHASE

DEATH OF BILLY OLIVE.

Among the members of the posse which snuffed out the lives of Bennett and Thompson was one Billy Olive who was known as an outlaw, gambler and general dodger. Olive and a "belle" of Beaver lived in a dugout, a common type of residence in Beaver. This couple had neglected the formality of a marriage ceremony but such omission was not considered a serious charge against Billy and his common law wife.

Billy had occasion to go to Kansas, ostensibly to sell some livestock leaving the "belle" at the dugout. Whether he intended to sell livestock of his own is not known. This was supposed to be a matter of indifference to Billy. While Billy was in the village of Cimarron, Kansas, he happened to observe his wife standing on the depot platform. Billy was naturally curious to learn the cause of her being there and in response to questions she replied that she had received a message announcing the death of her father and that she was on her way to the funeral. Billy did not take this funeral story seriously but suspicioned that his common law wife was leaving Beaver City with the intention of meeting a dashing bartender, Bill Henderson who was at the time living in Beaver City, towards whom he had seen his "belle" cast a few questionable glances. Billy compelled the woman to return with him to Beaver City, denying her the pleasure of meeting Henderson or attending the alleged funeral of her father.

A few days after they resumed domestic relations a flock of sheep was being driven through the main street of Beaver City. A bunch of saloon hangers-on and a few other loafers began firing behind the sheep in order to scare them, and

Billy joined in the fun. Of course he was drunk and his hilarity did not end with the frightening of the sheep. As he passed the saloon where his suspected rival worked he looked in at the front door, and observing that Henderson was absent, rushed into the saloon, gave several whoops, shot to pieces the swinging lamps, drove everybody out and assumed personal charge. He opened the faucets of the whiskey barrels, broke wine bottles and poured their contents on the floor, threw the stock of cigars into the liquor and tramped them. He then went into the street and meeting the bartender who had been told of Billy's capers in the saloon, pointed his revolver at him and marched him up the street towards the saloon, placed the muzzle of his revolver against Henderson's head and snapped the weapon. The terrified bartender ran for his life while Billy continued to snap his empty revolver. Henderson escaped to the sandhills west of town where he hid until late in the afternoon when he returned, secured a rifle and concealed himself behind a sod wall where he lay in wait for Billy. As Billy was passing the door of his dugout his common law wife appeared at the door and announced that supper was ready. He replied: "I am hunting for a man and am on my way up-town to kill him but will be right back." About the time he reached Tracy's store he presented an unobstructed target for the waiting bartender. When Henderson's rifle cracked Billy Olive lunged forward. No inquest was held. Olive's body was sent to his mother in Nebraska.

THE DEEPEST GRAVE.

When Old Hardesty was young there was little prying into the business of other people. So long as one comported himself with a fair degree of decency no questions were raised relating to his past history. One Joe Cruze and wife settled in the neighborhood and as they molested nobody nor attempted to take care of anybody's business except their own, they were generally respected.

One morning immediately following one of those western blizzards which occasionally appeared with alarming suddenness and swept across the country with more alarming fury a harnessed horse stood at the gate of the Kramer Ranch not far from Beaver City. As no one in the community knew this horse a search was instituted for evidence which might account for such an unusual occurrence. After some search a buckboard was discovered on the prairie several miles west of Beaver City and on nearer approach another harnessed horse was found; but this horse was dead and frozen, having succumbed to the fierceness of the blizzard. In the buckboard were a man and a woman huddled together lifeless and frozen.

Investigation revealed that the bodies were none other than those of Joe Cruze and his wife of the Hardesty vicinity who presumably had started to Beaver City and had been caught in the storm, lost their way and perished. The bodies were taken to Hardesty where arrangements were made for burial. There was not an undertaker in the nearly six thousand square miles of No Man's Land nor was one deemed necessary.

The first and most difficult job in connection with this funeral was thawing out the bodies so that the limbs could

be straightened sufficiently to allow the bodies to be placed in the plain pine coffin which was being made from goods boxes gathered up in the town. One man was made captain of the grave-digging squad and this official, with a few cowboys under his command, repaired to a designated spot where he marked off a place for the grave, handed the boys some picks and long-handled shovels and told them to dig away until he returned with another bunch of cowpunchers to relieve them. He then returned to the village.

The boys, none of whom had ever before been assigned to such a task, "dug away," casting occasional glances toward town for the promised relief which, as the hours passed, failed to appear. The reason for this failure was that the faithless captain became so deeply interested in the game down town that he forgot all about the necessity for the burial of Joe Cruze and his wife, nor did he give one fleeting thought to the fact that he had a bunch of cowboys out there on the hill, in the cold, digging a grave. But along late in afternoon he "came to himself" and rushing out, hastily assembled three or four extra cowpunchers and hied to the newly-established cemetery where he found the boys still at work, one of them down in a deep, dark hole—so deep that he could barely throw the dirt to the top, while some were lying on their stomachs looking down into the hole. They were on the verge of going for a rope and bucket to haul up the dirt when the captain arrived. This official approached the grave, looked down into a ten-foot hole in the ground, pronounced it deep enough, commended the boys for their efficient work and advised the members of the relief squad that their services would not be required.

The bodies were duly buried in the improvised coffin made from the pine boxes. After the burial some interest was aroused concerning the two unfortunates when a letter

was received by the Hardesty postmaster making some inquiry about Joe Cruze and the woman. This letter was from Cruze's wife in Illinois revealing that the man who perished in the blizzard had deserted his wife and a family of children. The woman with Cruze was not his wife, but no one about Hardesty was aware of this until after the receipt of the letter from Illinois. They had lived together, died together and were buried together in the first and deepest grave at Old Hardesty, dug by a faithful bunch of cowboys while their captain won or lost down town.

NAMING SHARP'S CREEK.

In the summer of 1874 Charles Sharp and Harry Lease had a camp on what is now Sharp's creek a few miles southeast of the present Turpin, but during the same summer camped temporarily on Frisco Creek some ten miles south of the present Guymon. Here their supplies ran short and Lease was sent to Adobe Walls in the Texas Panhandle for a load expecting to return to the camp on Frisco Creek within a few days. While he was on his way to Adobe Walls the memorable fight at that place took place between a large band of hostile Indians and a company of buffalo hunters who took refuge in the sod structures there and successfully fought off the attacking forces of the savages. After the fight the Indians scattered in all directions. Lease reached Adobe Walls safe, ignorant of the fact that any trouble had occurred there. But deeming the risk too great to attempt an immediate return, he remained for several days at Adobe Walls. He finally set out with his supplies for the camp on Frisco Creek where he expected to explain to Sharp the reason for his prolonged stay. Arriving at camp he found his partner Sharp murdered and scalped. Had not Lease gone for supplies he, in all probability, would have met the same fate as did Sharp. The creek on which Sharp had his permanent camp southeast of Turpin was thereupon named Sharp's Creek which name it now bears on the maps.

PROVISIONAL GOVERNMENT IN BEAVER CITY.

Three tragic deaths following so closely upon each other as those of Bennett, Thompson, and Olive stirred the well-meaning people of Beaver City to action. On September 15, 1886 an election was held in the town for choosing officers whose duty it should be to undertake the preservation of order. The following named persons were chosen:

Mayor, J. A. Thomas.
Clerk, W. B. Ogden.
Treasurer, J. A. Overstreet.
Councilmen, J. H. Alley,
Thomas Braidwood,
Jack Garvey,
M. Magann.

The following day the city government was organized. This was accomplished with little formality and the only business transacted at the first meeting of officers was the appointment of Addison Mundell as city marshal. The commission issued to the new peace officer read:

“Know ye, that at a regular meeting of the City Council of Beaver City held on the 16th day of September, A. D., 1887, Addison Mundell was appointed City Marshal to continue in office during the pleasure of the City Council.

J. A. Thomas, Mayor,
William B. Ogden, Clerk.

The Marshal was to receive as full compensation for his services the sum of fifty dollars a month which amount, to-

gether with that raised for other expenses of the municipality, was to be contributed by the business men of the city. Each business man was assessed the sum of three dollars a month, most of which was required for the payment of the salary of the city marshal. By the end of the third month after the laying of this direct tax, the collections had dwindled to about thirty dollars a month and within half a year the collections were almost nothing. There was no law and all contributions to the public treasury were in the nature of donations. The so-called ordinance passed by the city council was little more than a polite request. But taken all in all the people of Beaver City were peaceful, well-meaning citizens who were holding on to their town lots nursing the hope that in due time a dilatory Congress would finally come to their relief and make ownership in fee simple possible.



First officers of Beaver City. Seated, left to right are: J. A. Overstreet, Treasurer; J. A. Thomas, Mayor; W. B. Ogden, Clerk. Standing, left to right: are Councilmen: J. H. Alley, Thomas Braidwood, Jack Garvey, M. Magann and Marshal Mundell.

KILLING OF BRUSHER AND CLARK.

In the latter part of March, 1888 a couple of strangers arrived in Beaver City and registered as Eugene Brusher and Andrew H. Morris of Burr Oak, Kansas. They posed as men of means and gave out the impression that they had come to locate a ranch. As they appeared to have money and were of jovial proclivities they were at once welcomed by that class of citizens who are always on hand to accept free drinks. They frequently went into the country during the day but always returned to Beaver City where nightly they mingled with the jolly crowd in Jack Garvey's saloon.

Dr. J. A. Linly, a citizen of some note, was the only man in Beaver City who enjoyed the privilege of wearing a silk plug hat—in fact, so far as known, his was the only hat of its kind in No Man's Land. A common saying was: "Shoot the hat." That was invariably the expression heard when any unusual headgear made its appearance.

On the evening of February 3, there was the usual lively crowd in the saloon, with the usual amount of drinking. Brusher, Morris, Dr. Linly and others were at the bar, Dr. Linly wearing his silk plug hat. The three men were well-filled with liquor and during the nonsensical horseplay, Brusher snatched the plug hat from Linly's head, placed it on his own and said: "How do I look with a gentleman's hat on?" Morris immediately proceeded to "shoot the hat," but his aim was low and instead of the ball going through the top of the tall hat and above Brusher's head, it barely missed the brim and Brusher fell dead in a heap at the bar. Morris appeared to make an attempt at crying and called for another drink. City Marshal Mundell at that time was engaged in a poker game

in the back room of the saloon and did not realize anything serious had happened until a boy came from the front room and, in reply to a question as to what all the confusion was about, replied nonchalantly that a man had been killed. Morris surrendered his pistol to Mundell saying that he had intended only to shoot the hat. Mundell held Morris under arrest and all possessions of the men, including a team and wagon and a hundred and fifty dollars in money were taken in charge. Something had to be done with the body of Brusher. Accordingly Lou Kramer was given fifty dollars of the money to take the body to the nearest railroad station at Dodge City, eighty miles distant. Kramer went in a wagon alone with the body, camped at night on the prairie and arrived at Dodge the following afternoon, from which point the body was shipped to Ness City, Kansas.

Morris was arraigned on a charge of murder, but after a trial lasting three days the prosecutor, E. E. Brown, under the evidence, was obliged to accept a plea of criminal carelessness and the accused was released. During the trial, however, suspicions were aroused that Morris was not the true name of the man on trial. These suspicions were confirmed when the authorities examined the contents of Morris's trunk. When confronted with the evidence there disclosed the accused man confessed that his name was not Andrew H. Morris but John A. Clark.

When Lou Kramer returned from Dodge City he was accompanied by William Brusher, brother of Eugene. William Brusher had never seen Clark, but after going over the testimony in the case, pretended to be satisfied that the death of his brother was accidental and made friends with Clark. On the evening of February 8, the two were in the saloon shooting dice for the drinks when Brusher excused himself for a few minutes and stepped outside the door. There was

one unpainted glass in the front window through which Clark could be plainly seen. Brusher drew a heavy revolver, aimed it carefully, fired and shot Clark through the heart. He quickly mounted his horse which he had standing ready and galloped out of town. A posse pursued but never overtook him. He was afterwards heard of at Rush Center, Kansas, but the authorities of No Man's Land made no effort to have him returned.

It was some time later reported that Clark had been the owner of a building at Beloit, Kansas, which he had burned to obtain the insurance money and that Brusher was the sole witness to the crime, and that Clark had induced Brusher to come to No Man's Land with the intention of getting rid of him. Clark was buried at Beaver and the remaining property of the slain man was given to a man named Bundy for burial expenses.



JOHN A. CLARK

THE STRANGE DISAPPEARANCE OF O. K. ROGERS.

In the early days of Beaver City there lived one O. K. Rogers who kept a drug store. Here he slept of nights, going to his home only for his meals. He was what was called in those days a sort of jolly good fellow, peaceable and while not a total abstainer from intoxicants, was seldom drunk. Occasionally, however, he would "break over" and go on a brief spree. He was not a rowdy and his language was chaste for that period. He was regularly at his store during business hours and was fairly well known to practically all the inhabitants of the town.

One day in February, 1892 Mrs. Rogers appeared on the streets of the village and reported that her husband had not been home for his breakfast; that she had been to the store and found it locked with surroundings indicating it had not been opened that day. This started an inquiry and people began to wonder what had become of the druggist. Every store and business place was visited and inquiry diligently made for the missing Rogers, but not a trace of him could be found. Following a thorough search of the village, the wife all the while being nearly distracted, an organized party was formed for a systematic search of the village environs. A company of some three hundred men was formed, divided into platoons and placed under orders of captains, all being under the general command of a leader. Thus organized, the search of the surrounding country was undertaken, the men on horseback riding about twenty feet apart and thus the entire local surroundings were thoroughly searched. Not a trace of the missing man was found. Nobody knew what had become of the druggist O. K. Rogers. People were

found who testified that they had seen the man the preceding evening on the street and he was last reported to have been seen in a pool hall belonging to one Charley Prescott. One Bob Dixon reported that he had seen him in the pool hall but that he (Dixon) had left and knew nothing of how long Rogers remained. Another person Al Dixon, a lawyer who later served on the Supreme Court commission under Governor Jack Walton reported that he also had seen Rogers in the Pool Hall before his disappearance. It so happened that on this particular night Rogers was drinking more heavily than usual and seemingly was having, or thought he was having, a good time. At that time Beaver had no city jail, or for that matter not much government, though the citizens had organized a provisional government, for the purpose of maintaining reasonable order. On this night, a man had been arrested on some charge and for want of a jail was being guarded or rather herded around by the officer in whose custody he had been placed and spent some time that evening in this same pool hall. He was proficient on the "fiddle" as violins were called in those days, and provided much amusement and some merriment for the customers by reeling off for them many selections of old-time tunes. One man reported that during a lull in the music Rogers remarked that "Some of us will have to set-em-up to that fiddling _____." The omitted word was unusual for Rogers and would probably not have been uttered had he been sober. The very fact is that a number of the customers that night were intoxicated and the memories of nearly all appeared to be unreliable. At any rate Rogers was gone and could not be found. As no evidence could be unearthed which would connect any one with his disappearance, and as the search proved futile, it was finally abandoned and Rogers was mourned as lost. His store was disposed of and his widow finally moved from the village.

The following early autumn, as a young man named Lane was mowing native grass for hay near the north edge of the bottom land on the north side of Beaver Creek his sickle struck some obstacle which caused him to stop. On examination he discovered that his sickle had struck a human skull. Surprised and excited, the young man hurried across the river to the village and reported the strange find. A few citizens at once repaired to the place and on looking around discovered the headless body of a man in a near-by slough. The body was easily identified as that of the long-missing O. K. Rogers. The clothing was such that it could yet be recognized as those worn by Rogers. His watch was yet in his pocket and this was another sure identification mark as many persons knew the kind of watch the missing druggist carried. Francis (Frank) Laughrin was employed to haul the body of O. K. Rogers back across the river. It was given appropriate and decent burial at the hands of the citizens. But yet, the mystery of his disappearance was unsolved. Gradually, little by little bits of information "leaked out" and piecing all together it appears that a small party remained in the pool hall until very late at night or early in the morning; that one of the pool players playfully swung his cue round his head and accidentally struck Rogers, killing him instantly. The body was taken and concealed and those few present carefully guarded the secret. So far as known, all the men present at the time of this unfortunate occurrence are now deceased. Most of them were members of good families and it is presumed that after consultation it was mutually agreed that the body should be secreted and that none should reveal the real truth—this to save feelings of friends and good people who were their neighbors and relatives. Billy Quinn, one of the horsemen who made search for the missing man told me that he believed he had ridden within a few yards of the body without seeing it. The actual

place of concealment was in a slough at the foot of a cottonwood tree and the margins of this slough was covered over with a thick growth of rushes, reeds and what is known as cat-tail flags. Billy believes that the young man Lane discovered the skull; Mr. Frank Laughrin thinks it was the boy's father, Jim Lane, who made the discovery. This is not a matter of importance. All this occurred many years ago. Even if all those who were present and participated in the secretion of the body were known, it would accomplish no good purpose to name them now. So let us there draw the curtain on this luckless tragedy of early days in Beaver.

SOCIETY IN BEAVER CITY.

In early Beaver City one could attend a "hop" most any evening, but the "ball" which began early and continued all night was an event reserved for such occasions as the Fourth of July, Christmas and other holidays. Hardly a holiday was permitted to pass without one. No sooner was the Thanksgiving ball over with than preparations began for the one to be held on Christmas eve. In each issue of the *Advocate* appeared paragraphs covering it. In these paragraphs there was one sentence which might not have attracted the attention of a stranger, but which he would fully understand when he reached the dancing hall. The sentence was: "Gentlemen will call at the cloak room and deposit their hats, etc." The "etc." meant pistols and six-shooters. The only gentleman permitted to carry a six-shooter under the roof of the hall was the one in charge of the cloak room who kept one within easy reach to insure that all rules pertaining to the ball would be observed.

Evening dress in No Man's Land in the eighties was different from that of to-day. The ladies wore dresses cut high in the neck and the material varied from expensive silk to inexpensive calico, the latter predominating. The gentlemen generally wore high-heel boots and some left their coats in the cloak room with their big hats and revolvers. A few of the more dudish had their boots blacked. As a rule the lower ends of their trousers were in their boot tops. Music was furnished gratuitously. Usually there were three "fiddlers" and an organist. For the Christmas eve ball of 1888 the organ was brought from the Methodist church. Mr. George Blake was leading violinist, and Dr. J. R. Linley and Rube Chilcott played second. Mrs. George Blake and Miss Birdie

Ester presided alternately at the organ. These were charming young women and both were graceful dancers and it was a matter of some regret among the gentlemen that they were the only ladies who could play the organ.

As the gentlemen passed the cloak room they received their numbers. This was to prevent trouble on the dance floor. In announcing a square dance, the floor manager, Mr. Oliver McClung would call out: "Partners for a quadrille; Numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 get your partners." There was room on the floor for three sets and the numbers were called consecutively in order that each gentleman could dance only in his turn. As there were no restrictions on the ladies, they danced in proportion to their popularity, but in justice to No Man's Land gallantry it must be stated that there were no "wall flowers."

When a dance was called the gentlemen "rustled" for their partners and with them took their places on the floor in the order in which their numbers were announced. Presently the "fiddlers" would give a few preliminary saws to make sure their instruments were in tune, and with a preliminary thump of his foot and a nod Mr. Blake would play the opening notes while stage driver Jack Farley or some other good hand at calling would shout: "Honor your partners." The seconds and the organ joined in and the dance was on. There was that about the movements of the dancers, especially the gentlemen in shirt sleeves and with trousers tucked into the tops of their high-heel boots which the word "sprightliness" but feebly describes. Even the solid sod walls seemed to tremble, particularly when Farley shouted: "Shake them feet," which meant "Balance all." Though the dancing differed from that of modern ball rooms it was in every way as modest and decorous. If a few of the ladies were living with men they had not married no one would have suspected

it from anything he saw or heard—in fact no one seemed to have a thought outside of the business in hand.

It is interesting to note that a part of the Christmas eve entertainment was a children's festival at the Presbyterian church. The program was short, containing but ten numbers including the usual carols, recitations and giving of presents to the little ones. Superintendent Breckinridge said the program was made short so that all who wished could go early to the dance. The popularity of the dances in Beaver may be appreciated when it is known that young and old drove or rode on horseback forty to sixty miles to attend them. A stage load invariably came from Meade Center forty miles away in Kansas. Dr. Chase, in telling why dances were held so frequently, said: "We have to keep the women contented." He was speaking for the men as well as for the women, for waiting for Congress to act in their behalf was, in fact, wearisome and discouraging to the entire population of No Man's Land.

Mention has been made of "The Beaver Advocate." This was the first newspaper published in No Man's Land. At its beginning it was "The Territorial Advocate" and its publisher and editor was one E. E. Eldridge. This was purchased in 1886 by Elmer E. Brown who with the help of his partner George Payne issued a seven-column four-page weekly under the name of the "Beaver Advocate." When Oklahoma opened in 1889 Brown sold out to Payne and went to Oklahoma City where he has since resided. This is the same paper which, under successive managements, is now the "Herald Democrat."

BELATED RETRIBUTION.

In the very early period of "squatter sovereignty" days of No Man's Land there appeared, unobtrusively, one G. G. Gabbert who established himself with his family, a few miles south of the present Gate. He had driven all the way from Indiana to become a denizen of the country wherein was no law, yet his supreme desire was to recuperate from his Indiana losses and rear his family in honor and peace.

He had been well-to-do in the Hoosier state—owning a farm, having money in the bank, and living in comparative comfort and happiness. His interest in his fellow man had inspired him, in an unguarded moment, to sign his name to a note for a friend. That act of kindness proved his undoing, for he lost his farm and practically all his possessions. Gathering up the meager remnants he, with his family, started on the long journey to No Man's Land which, he had heard, would furnish him with one hundred sixty acres of good land merely for settling and living on it. And this is how he came to be on Hog Creek southeast of Beaver.

Here he was, with a team, a few chickens, a couple of cows and a family, struggling along, with a few other scattering settlers, to provide himself and his family with the necessities of life.

One evening after a hard day's work, while sitting at the door of his "soddie," he observed a covered wagon and a family going into camp about half a mile south of his holdings. He also observed that the new immigrant possessed a herd of some fifty or sixty head of cattle. He made some investigation and to his great surprise discovered that the owner of this outfit was no less a personage than the

man whom he had accommodated several years before by kindly signing the fateful note—the very man who had so contemptuously refused to come to his aid in Indiana while he was struggling to pay it. He was surprised and non-plused. Without disclosing his identity to the newcomer, he visited a few of his scattering neighbors and informed them of the strange and unexpected happenings.

That night these few settlers held a quiet and orderly meeting on the prairie. Next morning, about the time the newcomer from Indiana was ready to resume his journey westward, these same neighbors, together with the once befriending sympathizing Gabbert, rode up and the captain of the squad said: "Hello, stranger, are you from Indiana?" "Yes sir," was the reply. "Do you know this man here?" "Yes sir. I know him." "Well, he paid off a note for you once, didn't he?" "Yes, he did." "Well, don't you think you ought to divide this herd with him?" Here was the rub. Without delay the herd was divided and Mr. Gabbert found himself in possession of about thirty head of good cows which formed the nucleus of what later became a large herd and which was the means of pulling Gabbert out of the doldrums. That small company of men who held the session on the open prairie at night constituted the entire legislative, judicial and executive departments of government for that community and for that particular case. In the absence of all written law who is there to say that government in their hands did not properly function or that full justice was not rendered?

PREHISTORIC LIFE IN NO MAN'S LAND

No Man's Land was probably the first abode of man within the limits of Oklahoma. It is now definitely known that human beings who had made considerable progress in civilization dwelt in this region a few thousand years before Europeans ever heard of America.

To William E. Baker of Boise City must be given the credit for making the initial discovery pointing to this ancient civilization. Mr. Baker, for many years county farm agent for Cimarron county, regularly repaired to his ranch some twenty six miles north and four miles west of Boise City where he spent the week-ends with his family. Mr. Baker is more than an efficient farm agent. He is an unassuming though capable scientist. Particularly has he specialized in the study of ancient man and possesses a knowledge of archaeology, paleontology, anthropology and ethnology.

In 1927 on one of his visits to his ranch, he observed some paintings on high rocks on the south side of the Cimarron River, particularly on a high rock bluff on the A. C. Easley place, which he recognized as not being common to the plains people—more resembling that of the Pueblo Cliff-Dwellers. Mr. Baker had told his son, E. M. Baker, a lad of twelve years, to be on the lookout for paintings in caves. From that time, the young man, with some degree of the inquisitiveness of his father, was ever watchful.

On June 14, 1928 the boy discovered a cave about four and three-quarters miles southeast of Kenton where he also discovered some of the unusual paintings. On the next visit of the father to the ranch, the son eagerly told him of the

discovery and William E. Baker at once made an investigation. Dr. Renard of Denver, Colorado, partially worked this cave in 1929 and Dr. J. B. Thoburn, with some college students from the Oklahoma University, did some work in 1930.

In the summer of 1934, working under the direction of Mr. Forest Clement of the Archaeological department of the State University at Norman, E. M. Baker, then about seventeen years of age, supervised the complete excavation of this cave. This young man was therefore both the discoverer and the explorer of this cave. All of what E. M. Baker excavated in the summer of 1934 is now in the University at Norman. Three human bodies were found—one complete mummy child, another which had been mummified but which was greatly destroyed by rodents (most of the bones of this were intact), and one complete skeleton. All of these belonged to the basket-maker culture No. 2. This culture was the beginning of crude pottery making. This placed it about 3,000 to 3,500 years ago.

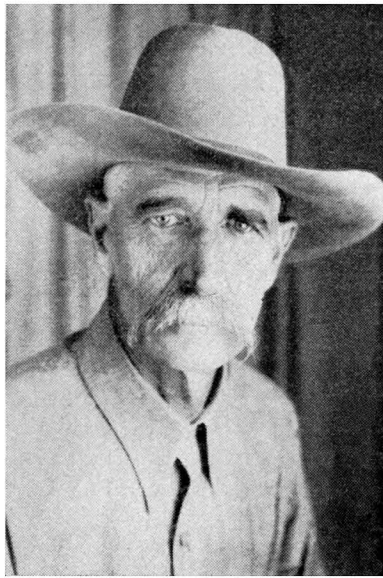
PREHISTORIC BISON.

In the International Encyclopedia occurs this paragraph:

“Three fossil species (of bison) are resognized by J. A. Allen in his classic monograph, *The American Bisons* (Cambridge 1876). One is *Bison priscus*, a very large, long-horned species, widely distributed in the Pleistocene formations of Europe. Another, named *Bison Antiquus*, is found fossil in North America, and is so closely similar that Allen thinks the two might have been local races of a then circumpolar species. Both of these are regarded by some naturalists as direct ancestors of the modern forms.”

About ten miles northwest of Folsom, New Mexico, near the source of the Cimarron River and but some forty miles beyond No Man's Land there were discovered in 1929 the skeletons of seventeen of such prehistoric bison or buffalo. All these animals had long horns. In close association with these were also found eighteen flint projectile points. One of these points was found inside the head of one of the skeletons. These were all found under a silt formation varying in depth from seven to fourteen feet. The nature of the accumulation and the specie of the extinct bison gave evidence of a great age. Geologists, archaeologists, and paleontologists working together have established the age of these to have been ten thousand years or more ago. The flint artifacts or projectile points are of superior workmanship and their peculiarities and type easily identify them as differing from all recent Indian artifacts. This difference between the artifacts gave archaeologists an opportunity to study and identify many flint specimens found in this country and Wil-

liam E. Baker now has in his collection more than three hundred flint pieces either whole or broken, belonging to this culture. Not one of these pieces has been found in or on recent soil strata, but have only been found where the wind has eroded the soil known as the Pleistocene formation, which dates to a period as long ago as ten thousand years.



William E. Baker, authority for information on prehistoric man in No Man's Land. Also for same on extinct bison.

DINOSAURS IN NO MAN'S LAND.

We have told of a race of men, women and children who roamed over the hills and through the valleys of No Man's Land fifteen hundred to two thousand years before the beginning of the Christian era; how these people dwelt in caves. These people knew how to build fires and to cook food. They knew and practiced the first principles of weaving, and they also raised corn. These facts are revealed from the finding of charcoal, bits of weaving and ears of corn in the very cave in which the bodies mentioned were discovered. These ears of corn were yellow and about the length of present day ears of popcorn; yet they had the even-numbered rows on the cob. I once heard William Jennings Bryan state that he picked up in one of the Egyptian pyramids a few grains of wheat that had lain there for two thousand years; that he planted these and that a few of them grew. Mr. Kendall Baker, son of Wm. E. Baker tried to germinate a few grains from one of the ears taken from the cave mentioned, but without success. All this takes our thoughts a long way back into the past. But when we told of the finding of extinct, long-horned bison that had grazed over the lands adjacent to or in No Man's Land ten thousand years ago your mind went back into antiquity nearly three times as far.

And now we are to take your thoughts back into a period so far lost in the lapse of ages that the human mind can scarcely comprehend the span. To the time before men trod the earth or the giant Sequoyah had reared their heads toward the sun; when huge serpents hissed and drew their glistening form among tangled ferns and ages before frozen glaciers transformed the Mississippi Valley. But there was

life on the earth in that dim misty past. Evidences of this long-ago life may be seen in the great museums of the world—in the National Museum at Washington or in the Museum of Natural History in New York, but who could have conceived that such life ever existed in No Man's Land?

We have written of Black Mesa and of the shifting of the very bed of the Cimarron River and now shall tell of life which existed in that region more than a hundred million years ago. Here is the story:

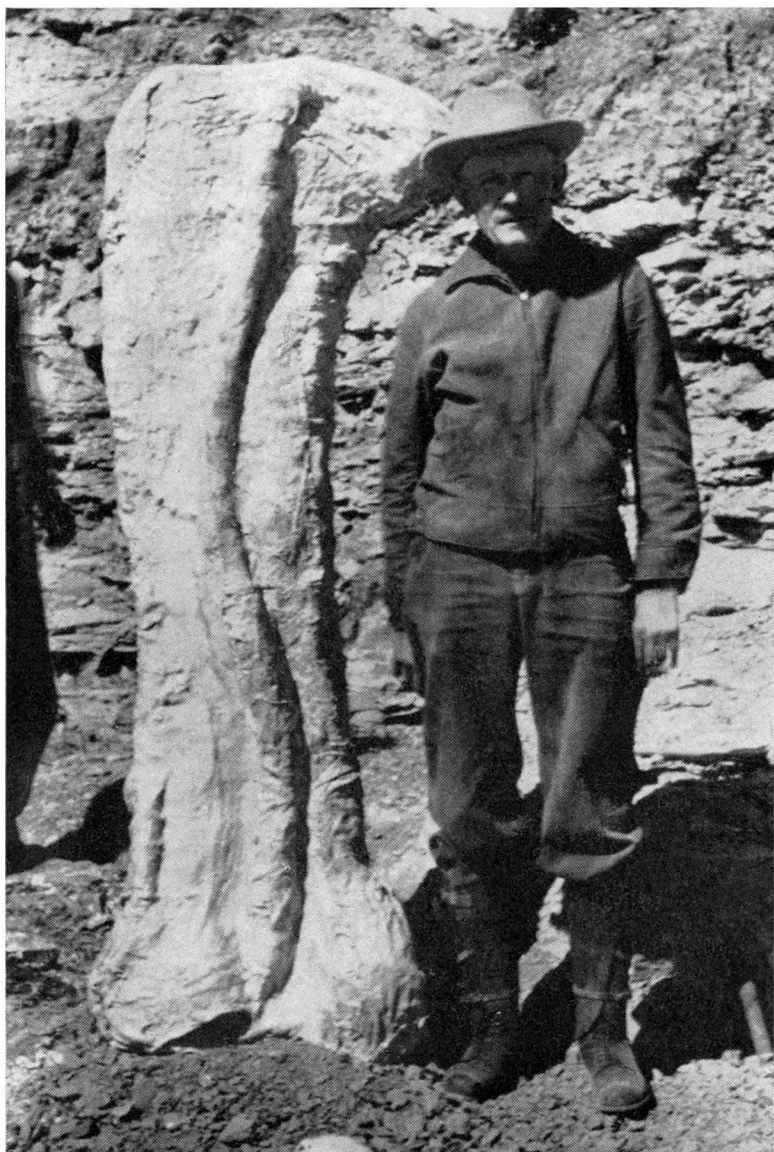
One day in July, 1928, Mr. J. R. Collins was operating a road grader along United States Highway 64 about nine miles east of Kenton when the point of his grader blade picked up a strange-looking fossilized bone. Stopping his work he took the bone to Kenton where he showed it to Mr. R. C. (Crompton) Tate who at once advised him that he had made an important discovery and requested that he do no more grading at that point until further orders. Crompton Tate, Truman and Fred Tucker and Wesley Collins repaired to the spot and some fifty feet from where the first bone had been discovered found two ribs and another joint. Mr. Tate corresponded with Dr. Willis Stovall of the State University at Norman with the result that in June, 1931, Dr. Stovall, paleantologist and two assistants, one of whom was C. Steward Johnson, now paleantologist at Western State Teachers College at Canyon, Texas, visited the Kenton area and confirmed the discovery of Crompton Tate. They visited the location and examined a seven-foot rib which was identified as that of a large dinosaur of the Jurassic age, known as *Brontosaurus* of the herbivorous or plant-eating type. This rib was taken by the Stovall party and prepared for the school of the geological department of the University at Norman.

In 1934 the University and F. E. R. A. began efforts to make further excavations. The success of this undertaking resulted in the beginning of excavation May 27, 1935, by two F. E. R. A. laborers with Mr. Tate as supervisor of field operations and Dr. Willis Stovall of the University as superintendent in charge of general operations. Much credit is due the University, Dr. Stovall and Mr. Tate and his crew for the excellent work performed in making the project a success. Up to June 1, 1937, 3,627 bones and teeth had been excavated besides some 3,000 small bone fragments of sizes not worth classifying but which were kept for purposes of study.

This work was carried on in the J. Whittenburg pasture, and at the beginning a test pit 4' x 3' was started in the green shale. At a depth of 14" a rib 57½" long was found. Then rib No. 2 which was 55" long was found, then two large dorsal or body vertebrae were found, each of which weighed 250 pounds. These were all found during the first day's work. Dr. Stovall estimates that this animal lived about 150,000,000 years ago and that it weighed about thirty-five tons. About eighty-five per cent of the entire skeleton of this animal has been excavated up to the time mentioned, and when the excavation is completed the entire animal will be reconstructed and set up in the Oklahoma State Museum at Norman.

About one-fourth of the skeleton of a flesh-eating dinosaur has been excavated and this will also be assembled. Besides the skeletons mentioned, those of three other species have been found in this same quarry. The largest bones recovered are the two femurs of *Brontosaurus* measuring 5' 11" in height and weighing 642 pounds each and in perfect condition.

From careful estimates made by Mr. Tate and Mr. Stoval the giant dinosaur weighting thirty-five tons had a length of at least seventy-two feet. Let us contemplate, for a moment, the size of this monster. You have, of course, seen elephants in circuses or museums. These are the largest known living animals of the present age. These would be but pygmies as compared with the giant brontosaurus. In 1884, two years after P. T. Barnum, the great showman, purchased Jumbo, the largest elephant ever in captivity, I had the pleasure of seeing the huge pachyderm. I paid but little attention to other animals in that traveling Barnum zoo, but stood almost in awe as I gazed at this monarch of beasts from Africa. Jumbo stood eleven feet and six inches in height, was about fourteen feet long and weighed six tons. Six elephants the size of Jumbo would exceed the weight of this No Man's Land dinosaur by only a ton and his length by only twelve feet. Six Jumbos walking along U. S. Highway 64 in No Man's Land would furnish a spectacle worth going many miles to see, but this lone giant of giants, this ponderous mass of moving life, one day in the dim and misty past, walked down to the site of this highway to die.



R. C. (Crompton) Tate who personally supervised the excavation of dinosaurs. Note the femur of the dinosaur by the side of a man.

HOW FOUR EARLY SETTLERS ECONOMIZED

In the Hoosier State there lived four neighbors who on hearing some of the wonderful stories regarding No Man's Land arranged to come west and grow up with the country. This quartette consisted of Mrs. Mary Thomas, Mrs. Elizabeth Thomas, Mrs. Clara Fauner and Frank Erkie and it was their intentions, if possible, to settle on adjoining quarter sections of land and thus, to some extent, repel the feeling of lonesomeness which they felt sure would creep upon them so far away from their native Indiana.

Arriving in the country these four did some prospecting and finally found a section of land several miles from Guymon that particularly pleased them and, adhering to their original plan to settle in the same neighborhood decided to file on these four quarters. The homestead laws required, however, that each settler should reside for a stipulated period on his chosen selection. Their funds were limited but sod was plentiful, and to further carry out their designs for both economy and neighborliness, they erected a four-room sod house exactly in the center of the section with the southeast room of the house on the northwest corner of the southeast quarter of the section, and so on around, one room to the quarter. Thus they all lived together, each on his or her claim. As they were not entitled to the two years deduction from the five years residence required, they lived in this house for five years, complied with all lawful requirements requisite for final proof and obtained title. These ex-Hoosiers, no doubt, lived closer together as neighbors than any other four in No Man's Land.

CIMARRON TERRITORY.

In the chapter on "Provisional Government in Beaver City" was discussed at some length the success and failures of that attempt. The first move in that direction was inaugurated at a meeting held in Beaver City September 15, 1886. Some time in November following, a call was made over the signatures of thirty-four Beaver City residents consisting of both men and women, for a meeting to be held November 29 at which the first steps were taken which resulted in the forming, or attempt at forming, one of the most unique governments in the world. This meeting, which was held in a school house, was presided over by Dr. O. G. Chase. Yes, the meeting was held in a school house. Though there was really no government, the citizens had united their efforts and erected a sod school house in which their children received some educational advantages under the tutorship of a teacher whose pay was derived from voluntary subscriptions.

The meeting of November 29 adopted a few resolutions among the most important of which was the following:

"To enable us to consolidate our strength and to know the wants of the people of the Territory, it is agreed that the entire population of Cimarron Territory turn out on February 22, 1887, and hold elections in their respective neighborhoods as nearly in conformity to law as possible, electing in each representative district three representatives who shall meet in Beaver City on the fourth day of March, 1887 as a Territorial Council."

In the foregoing resolution appeared for the first time the name "Cimarron Territory." It appears that the mass

meeting which adopted the resolution assumed the authority to name the proposed new Territory. That authority was never questioned and no objection was ever raised.

This meeting also assumed the authority tentatively to divide the country into three representative districts and to fix their boundaries. This was easily agreed on as the country was marked off into three nearly equal areas by the meridians 100° , 101° , 102° , and 103° . Thus the eastern district comprised the territory between meridians 100° and 101° ; the middle district the territory between meridians 101° and 102° ; and the western district the territory between the meridians 102° and 103° .

At the time of this attempted formation of government for the proposed territory the density of the population gradually decreased westward until near the western border where it was better described by the word "sparseness."

The election came on in due time and in and around Beaver City there was a spirited contest; but in the western end of the country it is doubtful whether many of the settlers had even heard of it. The election returns were certified to Dr. J. A. Overstreet, secretary of a sort of improvised claim board and on his report the nine delegates, who had been declared elected, met at the appointed time in the sod school house in Beaver City. Thus assembled the first legislative body of No Man's Land March 4, 1887.

The first business transacted by this Cimarron Territory legislative body was the signing of the oath by the newly elected members. The record as preserved in the proceedings follows:

"We the undersigned, members of the Territorial Council of Cimarron Territory and officers of the same, do hereby solemnly swear that we will support the Con-

stitution of the United States and faithfully execute and enforce the laws of the United States and also the laws adopted by the Territorial Council for the government of the said Cimarron Territory to the best of our ability.

O. G. Chase, President
Merritt Magann, Clerk.
R. M. Overstreet.
J. G. Snode.
James Lane.
Robert Allen
Elmer Tompkins.
Thomas Waters.
W. J. Kline.”

R. M. Overstreet was a Presbyterian minister and the father of Dr. J. A. Overstreet to whom the election returns were certified. Robert Allen was a Methodist minister. Immediately following the organization, Rev. Overstreet was on his feet. He averred that there was a serious omission in the United States Constitution and he hoped that in the organization of Cimarron Territory the mistake of our fathers would not be repeated. He therefore moved the adoption of the following resolution:

“The residents of Cimarron Territory are without protection of the law of any state or recognized territorial government; and recognizing the urgent need thereof, and desiring to adopt and establish rules and laws for our protection, safety and government, do hereby recognize Almighty God to be the supreme ruler of the universe, the creator, preserver and governor of individuals, communities, states and nations, and recognize the laws of the United States as the foundation and basis of all laws or rules of our government, in so far as may be to express and enforce the same.

"Therefore be it resolved by the representatives of Cimarron Territory, in Territorial Council assembled that we hereby declare ourselves THE TERRITORIAL COUNCIL OF CIMARRON TERRITORY, and do hereby adopt the Constitution of the United States and the laws thereof as the groundwork and foundation for all our laws or rules to be adopted for our government."

After the adoption of the foregoing resolution the Council took action looking to a more direct representation of the people by providing for a bicameral legislative body instead of the unicameral Council as then composed. Accordingly it proceeded to divide the Territory into seven representative districts, all the dividing lines extending north and south on range lines twenty-four miles apart. Under this arrangement the district lines, east to west, were on the range lines between ranges twenty-four and twenty-five, twenty and twenty-one, sixteen and seventeen, twelve and thirteen, eight and nine and four and five.

The country was now divided into seven representative and three senatorial districts, the senatorial district lines being left on the meridians. The Council then proceeded to arrange for another election to be held November 8, 1887, for the purpose of electing nine senators and fourteen delegates. This provided for a territorial council of two houses to be known as the Territorial Council. This was the one and only legislative body that ever met in Oklahoma which legislated itself out of office. After adopting a resolution by Elmer Tompkins providing for legalizing the solemnizing of marriages by regularly ordained ministers the Council adjourned to meet on April 5, 1887.

In the interim between the March and April meetings of the Council, Thomas P. Braidwood had procured an official seal for the new territory. There appears no record pro-

viding for the form of this seal, but as it was ordered and paid for by Mr. Braidwood it is presumed that he also designed it. This seal was presented at the meeting in April.



OFFICIAL SEAL OF CIMARRON TERRITORY

The foregoing is an exact reproduction of the official seal of Cimarron Territory. Unfortunately the old seal itself was lost, and the original proceedings of the legislative body of the territory were taken out of the state. I have made diligent search for a genuine impression of the old seal and had about despaired of ever obtaining it. A supposed true representation of it appeared in an old issue of the New York Sun and this old issue was happily preserved by an old-time resident of No Man's Land, Mr. M. W. (Doc) Anshutz, who kindly permitted me to have it photographed. Different representations have been published in newspapers from time to time but without positive assurance of their genuineness. I presented two of these, together with the photograph made, to Mr. Fred Tracy of Beaver, a very reliable man who has been in that section since early days. Knowing him to be an observant man with a good memory, and one who has gone along quietly with his eyes and ears open, I presented these different representations to him for inspection. After scanning them closely he gave it as his opinion that the one photographed was genuine and the

others spurious. I felt willing to rest on his judgment. Recently the actual records of the proceedings of the Territorial Council of Cimarron Territory were returned from a neighboring state to an old-time resident of the country, Mr. Francis Laughrin with instructions to retain them safely in his possession. These are now locked in a bank vault at Beaver. Mr. Laughrin kindly assisted me in the examination of these old records in the hope of finding therein the imprints of the seal. Throughout the whole course of the record the seal was used but once. But that was enough. It fully confirmed the memory of Mr. Tracy and the genuineness of the photograph. We have therefore given what we know to be the actual official seal of the territory. The seal was delivered to the members of the Council at the April meeting, 1887, but bears the date of March 4, 1887, the date on which the Council designated Cimarron Territory as an organized entity.

At the April meeting a great many bills were passed. One provided for the election of road overseers and of a tax of three dollars annually on each one hundred and sixty acres together with a like tax on each male citizen between the ages of twenty-one and forty-five who had no claim. (Please remember that no one had a legal claim. All holders were simply squatters). The tax supposedly was levied for the improvement of highways. Nobody ever paid the tax and no road overseers were elected. It was easy to pass laws but there was lacking the power of enforcement. At this meeting was evidenced the early manipulation of politics. The March session of the Council had provided for the election in November following of nine councilmen or senators and fourteen delegates or representatives, three senators from each senatorial district and two representatives from each representative district. But the April session

changed this arrangement by providing that six of the senators and seven of the representatives should be elected at large. This meant that each senatorial district and each representative district might elect but one member. It further meant that Beaver City and the east end of the territory would control all legislation.

The election of November was held but the people of the western part of the territory thought so little of it that no one was elected who lived over about forty miles from Beaver City.

In the early history of the territory the Council provided for monthly meetings, but after the first few meetings the securing of a quorum proved a troublesome matter. A meeting was held in August and in spite of the utter lack of power to pass any law of a binding nature the Council passed an act of ten sections for the regulation of corporations.

Here was the Territory of Cimarron going at full blast, passing laws and possessing a seal. Was not all this evidence of real government? Of course neither the passing of laws nor the use of the seal amounted to anything, but members of the Council seemed to sense, for a time, but one defect—they had no representation in Congress. All other organized territories within the borders of the United States had delegates in that body. Cimarron Territory must have a Congressional Delegate. President Chase held that a convention should be held for the purpose of nominating a delegate to Congress. A convention was accordingly called to meet at Bothwell September 14, 1887. When the convention went into session there were fourteen delegates present. Eight votes were required for a nomination. The convention proceeded with the ballot but after twenty ballots the nearest the convention came to being able to make a nomination was seven votes for J. G. Snode of Paradora, five for J. E.

Dale and two scattering. The convention was deadlocked and adjourned without securing a majority vote for any candidate. Both Snode and Dale went before the people for election. As neither had been regularly nominated Dr. Chase, president of the Council decided to "cast his hat into the ring" also, so came out independent. There were now three candidates in the field. The returns were again made to Dr. J. A. Overstreet and on the face of these, Chase left both of the other candidates far in the rear and was declared the regularly elected Congressional Delegate. Dale who had led Snode in the race, declared that as the vote returned from several communities exceeded the population, the election of Chase was a fraud, perpetrated by a ring and so decided that he would also go to Congress and present his case.

The new legislative Council met December 5, 1887, and Dr. Chase departed for Washington to present his credentials. Congressman Springer of Illinois championed the cause of Cimarron Territory and moved that Delegate Chase be accorded all the privileges of the floor of the House. This meant, if carried, that Chase would be entitled to a seat, be accorded the privilege of introducing bills and appearing before congressional committees and draw his salary, but without the right to vote. Congress, however, manifested a lack of interest and appeared not to understand thoroughly in just what part of the United States this waif of the plains was located. Congress tabled the Springer motion and the delegate was left sitting on the congressional doorstep.

All the while the legislature of Cimarron Territory was legislating in the capitol at Beaver City dealing with such heavy problems as divorce and other pressing problems of the territory, but finally advised delegate Chase that they were experiencing considerable trouble in keeping busy. Chase advised that the legislature remain in session at all

hazards and at last informed members of Congress of the location of the territory, its population, its extent, its industries, its cities and the wonders of its prolific soil and that it already possessed a regularly organized government, emphasizing this fact by declaring that its legislature was at that very moment in session at the capitol. About this time delegate Dale arrived in Washington claiming to be the rightful delegate to Congress from Cimarron Territory. He knew that Chase's description of the country was greatly exaggerated, but while he hated his rival with a burning hatred he dared not dispute his misstatements for that would injure him as much as it would Mr. Chase.

It soon became known by members of Congress that Cimarron Territory was represented by two delegates instead of one. Two delegates from one commonwealth the name of which could not be found on the map was a little too much for Congress and without recognition both Chase and Dale returned to their constituents on the Beaver, really worse off than Snode who registered third in the three-cornered race for election. Neither had a desire to face Congress again.

While both Chase and Dale had failed miserably in their personal efforts they had probably done some good for No Man's Land, the territory they sought to represent. They had informed official Washington that there was such a place as No Man's Land with a population whose situation demanded Congressional consideration. But they returned to the waning Cimarron Territory personally discouraged and disgusted. Cimarron Territory, however, was not quite extinct. In 1888 another delegate was elected. One Hubbard was willing to make the effort for a seat in Congress and was issued a certificate of election. Hubbard was not perturbed by the presence of a rival claimant to the office of delegate as Chase had been, and by many personal interviews

with members of Congress was able to make them realize that a situation confronted the settlers of No Man's Land which could be remedied only by congressional action. Cimarron Territory had champions of its cause in Congress among whom were Springer of Illinois, Burns of Missouri and Peters of Kansas. Mr. Springer at one time presented a memorial from the Territorial Council and the citizens of Cimarron Territory. This was referred to the Committee on Territories and there remained. Congressman Burns presented a bill providing for the organization of the territory. This was smothered in the House proceedings. A bill was at one time presented providing for the attachment of the country to New Mexico. This also was referred to the Committee on Territories and buried. One attempt was made to attach the country to a Kansas judicial district making it possible for the capture and punishment of criminals escaping into No Man's Land. This failed. One appropriation bill had an amendment tacked on by the Senate which would have extended the jurisdiction of the Circuit Court for the district in which Kansas was situated over the country, and further provided that in case the amendment carried the country should be opened to homestead settlement. The bill was sent to the house with the amendment but was lost.

Congressman Peters of Kansas during some of the discussions concerning this country, said:

"At present there is no legal machinery by which they can acquire title to the lands upon which they have settled. There is no law to protect them in the property which they may take with them into the territory; there is no law that protects them or their persons or property from violence while in the Territory; there is no law in that country by which they can collect any debt or obligation which may be contracted, and there

is no law by which the people of Kansas, or of New Mexico, or Arkansas can collect any obligation that may be contracted with a settler upon this No Man's Land. There is the utmost need of some legislation touching this land, for it is virtually outside of the pale of the law, and outside of the United States in that respect, although geographically within its limits."

The above quite clearly set forth the legal status or rather the lack of any legal status of No Man's Land, yet Congress was unwilling to enact any law which would make of the country any sort of separate entity and the distressed settlers in No Man's Land continued their waiting.

In the meantime events were occurring elsewhere which had a marked effect on No Man's Land. Captain David L. Payne and his boomers, from the early eighties had been fighting for the opening to homestead settlement the so-called Unassigned Lands in Indian Territory lying between the Cherokee Outlet and the South Canadian River and extending from longitude 98° on the west to the lands of the Civilized Tribes on the east. These were the lands which had been purchased by the Government from the Creek and Seminole Indians in 1866 and which Payne and his boomers contended were subject to squatter settlement. This contention was denied by the Government and the Payne boomers were repeatedly arrested and conducted out of the forbidden country, The Oklahoma country, as the Unassigned Lands were then called, however, were continuously entered by the boomers and with the sudden death of Payne in 1884 their efforts did not cease. When at last in 1889 the Unassigned Lands were opened to homestead settlement, many of the discouraged squatter settlers in No Man's Land left their claims and made the run into what soon came to be called "Old Oklahoma." This migration was so great that

the population of Cimarron Territory was perceptibly diminished.

Here we deem it proper to state that the whole of that part of Oklahoma which has been opened to settlement under the homestead laws has been added by piece-meal. People talk of the homestead openings of Oklahoma generally, referring to those of the Cherokee Outlet, "Old Oklahoma," the Cheyenne-Arapahoe Country, and the Comanche-Kiowa, Apache, Wichita Country. That makes four. The fact is there have been nine openings. Named in order they are: 1, "Old" or original Oklahoma, 1889; 2, No Man's Land, 1890; 3, Sac and Fox, Iowa, Pottawatomie and Shawnee country, 1891; 4, Cheyenne-Arapaho country, 1892; 5, Cherokee Outlet, 1893; 6, Kickapoo country, 1895; 7, Greer County, 1897; 8, The Kiowa-Comanche-Apache-Wichita-Caddo country, 1901; and 9, the "Big Pasture," 1906.

When the Unassigned Lands or Original Oklahoma became subject to homestead entry, the entire section comprising 2,500,000 acres, was practically without law. It is true that Federal court jurisdiction had been extended over the territory, but except for the occasional sight of a deputy United States marshal there was little evidence of law in the country. The lands had been surveyed and Government land offices established but there was no local law—no counties nor county seats, no public roads, no schools, no churches, no local peace officers. Yet the people who originally settled this section were better off in this regard than were the still-forgotten squatters in No Man's Land where the lands had not yet even been surveyed into sections.

The rush of homesteaders into the Unassigned Lands as a result of the opening of 1889 brought some 60,000 or more people into the country and it early became necessary for the enactment of such legislation as would permit the

people to organize local governmental units. The final rush of legislation in Congress which provided for this opening was such that the necessity for counties and county governments appears to have been overlooked. On May 2, 1890, Congress passed what is known as the "Organic Act" creating Oklahoma Territory. During the consideration of this legislation in Congress somebody thought of the long-neglected No Man's Land and of the long-suffering people of that section of country who for six long years had knocked at the door of Congress for recognition. Accordingly the following clause was inserted into the Oklahoma Territory Organic Act:

"* * * * * together with that portion of the United States known as the Public Land Strip, is hereby erected into a temporary government by the name of the Territory of Oklahoma."

That clause of twenty-nine words comprised the brief funeral obsequies of Cimarron Territory.

The Organic Act provided for the organization of seven counties in the new Oklahoma Territory numbered respectively, 1, 2, 3, 4, 5, 6, 7. Cimarron Territory, after a precarious and mythical existence of three years, was dead and buried, and out of its sepulcher there sprang a new life which Congress christened the "Seventh County of Oklahoma Territory."

W. A. SULLIVAN.

The biography of every worthy man and woman who were part of the early settlement of No Man's Land would fill volumes and be interesting reading, but an adequate story of none of these can be included in a single story of a volume such as this. Yet we feel constrained to preserve herein a brief testimonial to one of those hardy pioneers who was a man of exceptional character, courage and calmness. I mention none other than W. A. Sullivan who, soon after the Civil War was a "bull-whacker" across the plains from Omaha to Wyoming and Montana. Such employment in those days was no job for a tenderfoot. Sullivan, with a companion Hooker, was at Deer Lodge, Bannock City and Alder Gulch, Montana when these were booming mining camps. Sullivan and Hooker withstood the hardships and privations of the times which frequently included a brush with Indians. In those days few of the venturesome western men went by their real names but were given some local soubriquets or nicknames suited to their peculiarities, and so Sullivan was known as "Mossback" and Hooker as "Greasy."

Many years after their experiences in the Northwest these two former pals chanced to meet at Beaver City during a term of court and renewed old acquaintances. The recognition came about from a remark made by Hooker in the presence of Sullivan about a fellow he once knew in Montana called "Mossback." That was enough and they paired for a reminiscing talk.

After a few years in Montana, Sullivan, with several companions, lashed together two flatboats, end to end, and started down the Missouri River intending to float with the stream

as far as Glasgow, Missouri, and from that point make their way to their old home in Randolph county. Each man had his savings in a belt around his body. When nearing Saint Joseph, Missouri, Sullivan, for some reason, unbuckled his belt containing nearly a thousand dollars in currency and gold dust which, in some manner was knocked into the river in midstream and sank immediately. This unfortunate mishap left the owner "flat broke." There appeared no good reason for returning to Randolph county penniless, so he and a companion left the boat at Saint Joseph. During their brief sojourn in the city the river partially froze over and a tempting price was offered any one who would get the mail across the river into Kansas. Sullivan and his partner undertook the job and safely took the mail across until the river was frozen so that it was safe for anybody, and again they started out and made their way to Roanoke, Missouri.

Sullivan came to No Man's Land in 1887, settled at Old Hardesty and erected the largest store building between Beaver City and New Mexico. For a time there was no post office and settlers brought mail from different points in Kansas. When a post office was established Mr. Sullivan was made Hardesty's first postmaster, the first mail being transported from Dodge City, and later from Oak City. On the arrival of the mail carrier dozens of settlers would assemble to greet him. Newspapers, sometimes weeks old, would be read aloud and personal letters would be passed around. When the Rock Island Railroad was surveyed, missing Old Hardesty by some eighteen miles, Mr. Sullivan moved over to the railroad and settled at the present Guymon where his grave marks the spot of one of the first burials in the new cemetery at that place.

W. A. Sullivan was a red-headed Irishman, strong in body and limb and so far as anyone was ever able to dis-

cover, absolutely fearless, though quiet and unassuming, a peace-maker and general counsellor, of good judgment and sound common sense—just the sort of man needed in any community—especially that in a new country.

The substance of the above was found among the papers of the late-lamented Fred Barde from the pen of R. B. (Dick) Quinn who happened to be a step-son of W. A. Sullivan. As Dick said: "There are not many men who can truthfully say such of a step-father." Mr. Quinn further stated that no man stood nearer to his heart than did W. A. Sullivan and that no other two men were better acquainted or better understood each other's good and bad qualities or said less of them than did he and his step-father W. A. Sullivan.

I never saw W. A. Sullivan, but have been personally acquainted with Mr. Quinn for twenty-seven years and express as my belief that the principal reason for the two men's thinking so much of each other was that they were very much alike.

TRAGEDY AT WILD HORSE LAKE.

About twelve miles west of Hooker, Texas county, in No Man's Land is a tract of several acres, a mere depression in the prairie, where, many years ago there was a lake of respectable proportions. This is known as Wild Horse Lake, deriving its name, no doubt, from the gathering there in years gone by of numerous wild horses which inhabited the region. Here on July 25, 1888 was enacted one of the bloodiest dramas of the Old Southwest. Here four men were stood up and shot to death and a fifth left for dead—seriously but not fatally wounded. This tragedy had its setting in southwest Kansas, long noted for its vicious county seat wars. Western and southwestern Kansas saw the coming of homesteaders in the eighties. Mushroom towns sprang up; counties were organized and then followed the bitter fights for the locations of the county seats. Laying out and booming towns became the principal business of speculators who sought to take advantage of the rapid settling up of the country to “get rich quick.” It required but little money to launch one of these enterprises. A section of land at Government price cost eight hundred dollars. These boomers would select a location, have it surveyed into lots and blocks, street and alleys and proceed with the sales, giving in return for the purchase price of lots, which would be in the neighborhood of a hundred dollars a lot, some handsomely colored lithographed paper bearing their flourished signatures and the imprint of their seals. If all went well these speculators would reap a rich harvest within a few months. Presuming that their scheme worked well, let us look at its possibilities. These speculators would spend for the land,

surveying, printing and advertising, perhaps, a couple of thousand dollars.

After reservations were made for streets and alleys an acre of land would make about eight lots. Figuring eight lots to the acre, a section of land would survey out 5,120 lots which, at a hundred dollars a lot, would provide the neat return of \$512,000—more than half a million. With such possibilities it was inevitable that rival towns would spring up and trouble ensue. Of course each set of boomers expected their town to become the county seat and real campaigns were on when such rival towns sought to secure the majority of votes for the location of the county government. With the consent of Hon. Tom McNeal of Topeka, I here quote from his pen:

“One day during his second term as governor, John A. Martin unbosomed himself to a reporter concerning a matter which was the greatest cause of worry that he had to encounter during his administration. It so happened that a great part of the counties in the western third of the state were organized during his two terms as governor, and in nearly every one there was strife and bloodshed connected with the location of the county seat. Governor Martin, himself a thoroughly honest man, was astonished and grieved to find that men in whose integrity he had the fullest confidence, when mixed up with a county-seat contest, seemed to forget about every moral principle and lend themselves to almost every form of lawlessness and crime in order to win.

“‘What is the use of it all?’ said the Governor. ‘Finally the courts will settle the matter of which towns are entitled to the county seats, and all this violence and bloodshed will avail nothing.’

"As one travels over western Kansas now, or in the years that have passed since the fierce county seat wars ended, if he is told the story of these bloody conflicts, he wonders what it was all about. There is nothing that he can see about one of these little prairie towns that would excite the cupidity of men, to say nothing of tempting them to engage in the bloody forays that marked the history of the frontier. One had to live in those times to have some adequate understanding of the situation. During the middle eighties a great tide of emigration swept over western Kansas. Within two years the population of the western third of the state increased a quarter of a million.

"In the days when the Belgian hare craze swept over the country an expert in figures could estimate that from a single pair of rabbits their progeny would, in ten or fifteen years, mount away up into the millions and make the fortunate investor a multimillionaire. But there were some risks in the rabbit business and it would at best take several years to realize the fortune, but the founders of a county seat figured that once they had captured the prize of the county capital the rest was sure and easy. They would simply clean up at the ratio of more than a hundred to one within the brief space of six months or a year.

"Of course they could not look into the future when drouth and hot winds would drive out the homesteaders, when all their hopes would fade and the towns would shrivel almost to nothing. Not sensing the future, they fought ruthlessly and unscrupulously. They blackened their souls with crime and stained their hands with blood."

In Stephens county there was almost no end of trouble in the booming of towns and locating the county seat. Stephens county was organized in 1886. Three towns sprang up. Hugoton, Woodsdale and Voorhees. Woodsdale, located about nine miles nearly north of Hugoton was named for Sam Wood who, with eleven other men had organized the Woodsdale Town Company. Voorhees was a prairie village southeast of Hugoton.

The Kansas law provided that one of the requisites for a county organization should be a resident population of at least 2,500. Stephens county had been organized on what was charged were fictitious census returns and on that ground Sam Wood was employed to contest the organization.

It was further charged that the alleged fraudulent returns had been made in the interest of Hugoton speculators. A copy of the census returns had been procured from Topeka which was exhibited at a meeting held in Woodsdale. After a perusal of the names of the alleged inhabitants it was charged that about twelve hundred names were fictitious and fraudulent. Colonel Wood explained the provision of the law to those present and before the adjournment of the meeting the law firm of Wood and Mackey was employed to take such legal steps as might be necessary to halt further proceedings in Stephens county as an organized unit of the state until such time as the county actually contained 2,500 inhabitants. The Census report as exhibited at the meeting revealed a population of 2,662 among the inhabitants being more than two hundred pairs of twins. The south part of the county with Voorhees as its rallying point, allied its forces with the northern part of the county whose headquarters was at Woodsdale. But Hugoton had the county seat. The suit to annul the organization of the county was instituted in the Supreme Court, but before a hearing was

reached the state legislature legalized the county organization and apparently Hugoton and its boomers had won and Woodsdale and Voorhees were practically out of the picture. One trump card, however, had not as yet been played. The county had no railroad. A railroad could make or break a town, so it was believed, and this was nearly literally true. And here, the fertile mind of Sam Wood again began to function. He laid out on paper a railroad which should enter the county from one side, but instead of passing through Hugoton, the railroad should fork into two branches, one passing to the south of Hugoton and through Voorhees, the other going to the north of the county seat and through Woodsdale. If this deal could be consummated it was believed by the people of the south and north parts that they could easily out vote these between in the vicinity of Hugoton and ultimately take from it the seat of county government. At that time it was legal in Kansas for municipalities to vote bonds for the promotion of railroads. Accordingly, a bond issue was proposed to aid in building the railroad as outlined by its proponents. Naturally, Hugoton violently opposed the bond issue, while the proposition was as earnestly advocated by both Voorhees and Woodsdale. A meeting in the interest of the bonds was called for Voorhees, at which Col. Sam Wood was to be the principal speaker, but for some reason he did not attend but sent his written speech by Frank Avery, a young attorney, with the request that it be read. This letter and speech was shown by Avery to James Gerund, a deputy sheriff who resided near Woodsdale. In the letter to Avery, Wood had written: "Don't tell them at the meeting about Charley Cash beating his creditors." (Cash was one of the principal boomers for Hugoton.) "Don't tell them that Charley Cash has a thirty thousand dollar judgment against him." When these were shown or read to Gerund he said: "Frank, don't

read that stuff." But when Avery rose to read Col. Wood's speech he also read the letter, whereupon Charley Cash jumped towards Avery and said, "You won't read that stuff here." Gerund also started, but Cash was first to Avery and made a grab for the letter. Sam Robinson, a reputed bad man from Kentucky, then city marshal of Hugoton, jerked out his gun, whereupon Gerund grabbed him by the shoulder and said: "Here, Sam, just behave yourself." Some man caught Gerund by the shoulder and said: "You behave yourself." At that instant Robinson struck Gerund on the head with his revolver knocking him to the floor. The meeting was broken up.

A warrant was issued for Robinson's arrest and placed in the hands of Ed Short, city marshal of Woodsdale, who proceeded to Hugoton with the intention of arresting the city marshal of the county seat. Arriving at Hugoton he looked up and down the street, but saw nothing of the object of his search. Presently Robinson walked from the office of Johnny Hall, County Attorney, and sat down in front of a drug store, revolver in hand. Short, knowing Robinson to be quick with his gun, evidently thought it the better part of valor to shoot his man first and arrest him later. Riding up in front of him he fired and missed. Robinson at once opened fire and Short's horse, frightened at the shots, made a lunge and ran with all speed. Instead of starting towards Woodsdale he ran south closely followed by a small posse of Hugoton men. But the fleetness of Short's horse enabled him to circle the town and reach his haven at Woodsdale. The angry Hugotonites fired many shots at the fleeing marshal, none of which took effect.

The Woodsdale marshal was, of course, much chagrined at his failure to arrest and bring to Woodsdale the reputed bad man from Kentucky.

A few days later, Robinson, with a small party went across the state line into No Man's Land to gather wild plums. Short, learning of this, took a man with him and also went across the line intending to arrest Robinson while he was from under the protection of the Hugoton populace. They found him in a squatter's dugout but he managed to get to his horse and escape. Short sent word of the incident to Woodsdale and Sheriff John Cross hurriedly assembled a posse and proceeded into No Man's Land. When they arrived at the dugout Robinson was not to be found. After making some search of the vicinity the sheriff and his party started home and on reaching a point near Wild Horse Lake where a man named Haus and his three sons had been putting up hay they stopped for a rest. While here resting, some of them asleep, they were surrounded by Robinson and his men and shot to death. Of the five men in the Cross posse four were killed outright and a fifth, Herbert Tony, a youth of seventeen, was severely wounded and left for dead. He would, in all probability have been killed also, but being the last to face the fire, had a little time to reflect and at the flash of the pistol lurched sidewise and was shot in the shoulder. Falling instantly and lying motionless, feigning death, he was left alive. After remaining there for some time the Robinson crowd left and Tony managed to get to his horse and reach Woodsdale where he reported the tragedy. This wholesale killing occurred July 25, 1888, and as it was in No Man's Land the perpetrators evidently had no fear of ever being molested and therefore made no secret of their act. The four killed at the so-called Hay Meadow Massacre were: Sheriff John Cross, who lived at Woodsdale, Theodosius Eaton, Bob Hubbard and Rolla Wilcox.

Again Sam Wood was on the alert. He determined, if possible, to have the murderers brought to justice, and after

weeks and months of investigation discovered a statute which had been enacted by Congress in March, 1889, attaching No Man's Land for judicial purposes to the eastern Federal judicial district of Texas and there lodged his information. A federal grand jury sitting at Paris, Texas, in October, 1889, returned indictments charging first degree murder against six Hugoton men: Cyrus E. Cook, O. J. Cook, J. B. Chamberlain, Cyrus Freese, J. J. Jackson and Jack Lawrence. Sam Robinson, the principal in the killing, had gone into Colorado where he was convicted on a charge of robbery and sentenced to fourteen years in the penitentiary. The six men indicted were all arrested and nearly two years after their misdeeds at Wild Horse Lake, were brought to trial in Federal court at Paris, Texas, where all were convicted and sentenced to be hanged. Herbert Tony, the only survivor of the sheriff posse was the principal witness at this trial. Deputy sheriff James Gerund was also a witness but was not with the party at the time of the massacre. And here again Sam Wood appeared on the scene and on July 4, 1890, in an address to the jury lasting eight hours, so completely summed up the evidence that all the accused were convicted and sentenced. The case was appealed to the Supreme Court of the United States and while there pending the six convicted men languished in a federal jail at Paris. The case was argued in the Supreme Court December 11-12, 1890, and decided January 26, 1891, Justice Harlan delivering the opinion of the Court. The appeal was on the allegation that No Man's Land was never attached to the Eastern District of Texas for judicial purposes and hence the court had no jurisdiction. Second, that if Congress had so enacted, the act so attaching No Man's Land was subsequent to the date of the alleged crime and therefore the accused could not be constitutionally tried for a crime committed prior to the enactment of the law extending jurisdiction to No Man's Land.

The opinion as delivered by Mr. Harlan denied both of these contentions but reversed the case on error which necessitated a new trial. A stay of execution had been granted pending the appeal, but the accused were yet in jail. The case was never again tried. Sam Robinson who had done most of the killing was secure in the Colorado state prison and the life of the prosecution waned with the death of Colonel Sam Wood who was also killed less than five months after the Supreme Court decision reversing the case. The accused men eventually went free. Sam Robinson served his term in the penitentiary and dropped from sight.

As for Sam Robinson, inquiry into the prison records of Colorado discloses the following:

“COLORADO STATE PENITENTIARY.

Roy Best,
Warden.

Canon City, Colorado,
June 14, 1934.

George Rainey,
Enid, Oklahoma.
Dear sir:

In reply to your inquiry of recent date concerning one Samuel Robinson, No. 2089.

Received at Colorado State Prison from El Paso County to serve a term of 14 years, 11-9-89.

Charge; Robbery.

Discharged from CSP 1-30-98.

The above is our record of this man in its entirety. At the time he was committed the record set in the books was not as extensive as nowadays.

If he was convicted of robbing a postoffice as you believe, it would not be necessary that the term be served in a Federal prison because at the time he was sentenced many Federal prisoners were serving their time in State or Territorial prisons. Our records do not state what town he was sentenced from, but as Colorado Springs is the county seat of El Paso County the chances are ten to one that he was sentenced from that town.

Assuring you of this Bureau's earnest desire to co-operate at all times, I am

Your very truly,
E. J. Hollister,
Bur. of Ident.,
State Prison,
Canon City, Colo."



SAM ROBINSON

Sam Wood had won a great victory at the memorable trial at Paris, but his troubles were not ended. A district judge, Theodosius Bodkin, had been impeached by the Kansas house of representatives, but the senate failed to convict him. He laid the cause of this impeachment at the door of Sam Wood who was a resident of his district. A complaint was later filed in Judge Bodkin's court charging Colonel Wood with bribery. On June 23, 1891, he went to Hugoton to face the charge. A few minutes before Mr. Wood arrived Judge Bodkin adjourned court and walked across the street. The colonel was about to enter the court room (a small church building in which court was held) when a Hugoton man, James Brennan, approached and shot him in the back. The Colonel ran when Brennan again shot twice, both balls taking effect, the last being through the brain causing instant death. Colonel Wood fell at the feet of his wife who, pointing an accusing finger at Judge Bodkin, exclaimed as did Nathan of old: "Thou art the man." Brennan, refusing to surrender in Stephens county, did so in Morton county. The state attorney general J. N. Ives, caused an information to be filed charging murder. Judge Bodkin was disqualified and trial was postponed until the following November when Judge T. B. Wall of Sedgwick county presided. The state was represented by the attorney general, county attorney William O'Connor and Hon. Charles Curtis, later Vice President of the United States. John H. Pitzer represented the defendant. Nearly every qualified elector of the county was examined as to his qualifications to sit as a juror in the case, but it was impossible to secure in Stephens county twelve unbiased men who might compose a trial jury. Under the law in Kansas at the time the prosecution in criminal cases was barred from making application for a change of venue. The defense lawyer as well as the accused, knowing this, refused to make applica-

tion which situation made impossible the trial in any other Kansas county. In the meantime Brennan was in jail without bail. The Kansas law further provided that in case any accused in criminal procedure should be imprisoned for want of bail and should not be brought to trial before the close of the second term of court having jurisdiction of the offense which should be held after the filing of the information against him, should be released unless the delay was occasioned on application of the prisoner. Brennan was in jail. He had not made and did not intend to make such application. The end of the second term came. Here was a combination of law and circumstance which created the anomalous condition of an attorney general being forced to release a prisoner known by him to be guilty. It was a case of the helplessness of the law brought about by legislators who apparently could not foresee the possibility of such an occasion ever arising. Brennan was released and never tried. He moved to Oklahoma, settled in Kiowa county where he was elected and served a term as sheriff. He died in Gotebo and was buried in the beautiful cemetery just north of Enid.

Ed Short, who escaped the Hay Meadow Massacre by not being present, was killed by a desperado in Garfield county, Oklahoma, August 3, 1891, less than two months after the killing of Colonel Sam Wood at Hugoton.

I have interviewed or corresponded with every possible person whom I could find who could give any reliable information pertaining to this unfortunate and bloody drama. I have consulted the writings and talked personally with Hon. Tom McNeal at Topeka, Kansas, and with Federal Judge R. L. Williams who was assigned by Judge John H. Burford when president of the Oklahoma State Bar Association to write the legal history of the Hay Meadow Massacre, and believe I have given the reader as nearly an au-

thentic account of this tragedy as is possible to convey. I have stood at the door of the little church building at Hugoton (yet standing) where the redoubtable Sam Wood fell, and some two years ago, driving along the highway a little west of Cottonwood Falls, Kansas, I turned aside and entered the little cemetery and stood before a marble obelisk on which I read:

“COLONEL SAM N. WOOD.
1825-1891
SLEEP ON
OLD PIONEER.”

Thus the shadows draw over one of the most picturesque characters of the southwest and the curtain falls on the most distressing episode in the history of No Man's Land.



COL. SAM N. WOOD

THE HOMESTEADER'S FAREWELL

Farewell to my homestead shanty;
I have made my final proof;
The cattle will hook down the walls,
And some one will steal off the roof.

Farewell to my sheet iron stove,
That stands in the corner all cold;
The good things I've baked in the oven,
In language can never be told.

Farewell to my cracker box cupboard,
With a gunny sack for a door;
Farewell to my store of good things,
That I never shall want any more.

Farewell to my little pine bedstead,
'Tis on thee I slumbered and slept;
Farewell to the dreams that I've dreamt,
While the centipedes over me crept.

Farewell to my down-holstered chair
With the bottom sagged to the ground,
Farewell to socks, shirts and breeches,
That filled it again to the round.

Farewell to my nice little table,
Where under I've oft put my feet;
Then choose from the bounty of good things,
The substantials of life for to eat.

Farewell to my sour dough pancake;
That none but myself could endure;
If they didn't taste good to a stranger,
They were sure the dyspepsia to cure.

Farewell to my tea and my crackers,
Farewell to my water and soap,
Farewell to my sorghum and buckwheat,
Farewell to my lallacadope.

Farewell to my entire homestead,
Farewell to your hills and your sand;
I've covered you up with a mortgage—
Farewell to my quarter of land.

UNDER THE LAW.

With the passing of the Organic Act, No Man's Land came under the law. For a period of thirty-nine years, five months and one week, to be exact, it had been a region without any semblance of statutory law. It is true that an act of Congress of March 3, 1889, attached the area to the eastern Federal Court district of Texas for judicial purposes, but few people were even aware of this until Sam Wood of Kansas discovered the fact and caused to be brought to trial the men implicated in the Hay Meadow Massacre, July 25, 1888, at Wild Horse Lake.

Congress, at the time of the enactment of legislation which blotted out the name "No Man's Land" made possible the filing on claims by the squatters and the General Land Office began the work of surveying the country into sections, the first contract for which was awarded to H. C. F. Hackbush the month following the passage of the Organic Act.

Congress had denominated the region as "seventh county" of Oklahoma Territory notwithstanding the fact the nearest point of old No Man's Land to the section known as Old Oklahoma was nearly twenty-five miles. Until the opening of the Cherokee Outlet in the fall of 1893, Oklahoma Territory was in two separate sections.

The newly appointed governor of Oklahoma Territory, George W. Steele of Indiana, appointed the requisite county officers for "seventh county" as for the other six counties in Old Oklahoma, and truly organized government was instituted, with the county seat at Beaver City.



MAUDE O. THOMAS

A resident of No Man's Land since her early childhood. For many years was owner and publisher of the Beaver Herald. Prominent in O. F. W. C. Having served as Vice President of her district, State Chairman of Education and editor for a number of years of THE OKLAHOMA CLUBWOMAN publication. Was one of the workers for the building of the railroad from Beaver to Forgan, active in all civic affairs and at present Secretary of No Man's Land Historical Society.

It should be remembered that "Seventh County" included all of No Man's Land extending from 100° to 103° west longitude. This placed the county seat near the east end of the county and as this was before the advent of the automobile, a trip to the county seat by residents of the western part of the county was a long and tiresome one.

For the convenience of the settlers a United States land office was established and as first planned by the Government was by executive order located at a town called Buffalo about three miles up the Beaver from the present Optima. This order was given June 2, 1890. Some objection was made to the location and the order was rescinded September 1, 1890, and the site changed to Beaver City. This was the beginning of the end of the town of Buffalo. The land office remained at Beaver until the opening of the Cherokee Outlet in 1893 when it was discontinued and thereafter all land office business of Beaver county was transacted at the new land office at Woodward in what was first known as "N" county.

It was not until the spring of 1891 that settlers really began to file on land. This was owing to the vacillating acts of the Government in shifting the site of the land office and for lack of completion of surveys. Though the land office was at Beaver City, a branch office was established at Guymon with R. B. (Dick) Quinn in charge and this greatly facilitated the filing for all that part of the country. During his fourteen years of service as land commissioner Mr. Quinn handled about fifteen thousand preliminary filings covering nearly two and a half million acres.

The original Oklahoma counties were given temporary designations by the Government, leaving the selection of permanent names to the people. First county was then named Logan; Second county, Oklahoma; Third county, Cleveland;



R. B. (DICK) QUINN

A leading citizen of No Man's Land. First editor of "The Hardesty Herald" published at Old Hardesty in 1890. Owner and publisher of Guymon Herald until he retired from its editorship several years ago. Land Office Commissioner at Guymon for fourteen years and later U. S. Marshal for Western District of Oklahoma.

Fourth county, Canadian; Fifth county, Kingfisher; Sixth county, Payne. When the naming of Seventh county was in order the people promptly gave it the name of Beaver for the stream that entered it from the west and left it on the east. With the exception of about thirty miles where the Beaver dips into Texas, its entire course from New Mexico to the Cherokee Outlet is in old No Man's Land.

In 1898, nine years before Oklahoma was admitted to the Union as a sovereign state, and long before anybody thought of nominating candidates for office by the modern primary method, the Republican county convention in session at Beaver City had some difficulty in making up its ticket. The county was Democratic, and for that reason there was no great scramble among Republicans for places on the ticket.

The convention was progressing with the business of nomination in the order prescribed by the committee on rules and order of business, but when it came to the point of nominating a candidate for county assessor there was a slowing down. Nobody, it seemed, had any one in mind for county assessor. After some skirmishing around some delegate suggested the name of Billy Quinn. Billy Quinn. "Who is Billy Quinn?" it was asked. "Why he is a young fellow teaching a rural school out here in the country. He is a likable young man who, if elected, will make a good officer." Well, Billy was nominated. He accepted the nomination but went right on teaching school, having no time to make a canvass of the county which at that time extended to New Mexico.

The campaign progressed. So did Billy with his school. Billy was well known in Beaver and was well thought of by all who knew him. Yet, his Democratic opponent, H. D. Meese, considered his own election assured and was not worried over Billy's local popularity.

During the progress of the campaign, one Bill May, a friend who lived away out close to the New Mexico line, told Billy he would bring in the vote of his township for him. The vote of that township (Luan) ordinarily didn't count for much as there were but a few voters in the entire township, Bill May being the only American in it. All the others were Mexicans or Spaniards. But Bill May promised Billy that he would get out the so-called Mexican vote.

Billy ran well in the eastern part of the county where he was well known, but when the last big township (Harrison) reported, Meese was twelve votes to the good. The election of Meese was conceded as there remained but one more township to be heard from—Luan township away out in the southwest corner with probably not more than half a dozen votes. It was so far away that it was several days before its returns reached Beaver City. But when the book finally came in and was opened it was found that thirteen votes had been cast—those of Bill May and twelve Mexicans and Spaniards, and every one of them was for Billy Quinn, so Billy was elected to the office by one vote. He finished his school and also properly performed the duties of the office of county assessor.

Beaver county remained the official designation of old No Man's Land until the date of Oklahoma's admission into the Union as a sovereign state. The Enabling Act, empowering Oklahoma Territory to form a state government, was passed by Congress June 14, 1906 (Flag Day). Delegates to the Constitutional Convention were elected November 6, 1906, and convened at Guthrie Nov. 20, 1906. The election for the adoption or rejection of the constitution was held September 17, 1907, and on November 16, 1907, President Theodore Roosevelt issued a proclamation declaring Oklahoma to be a State of the Union. The adoption of the con-

stitution affected Beaver county in that it reduced its area by more than two-thirds by making the range line between ranges nineteen and twenty its western boundary, thus cutting off about 114 miles of its original length—approximately 167 miles—leaving it a little less than one-third its former length. That part west of the line named was divided into two counties, named respectively, Texas and Cimarron.

The coming of railroads into the country wrought great changes. Numerous small towns went out of existence and others sprang up along the lines of the railroads. Particularly was this true of the section adjacent to the Rock Island which extended its line southwest from near the state line south of Liberal. Along this line in what is now Texas county grew up the towns of Tyrone, Hooker, Guymon, Goodwell and Texhoma. Old Hardesty, near the mouth of the Coldwater, succumbed, but was later revived on another site at the time of the building of another Rock Island line extending from Liberal to Amarillo. In Old Hardesty was published the first newspaper in No Man's Land west of Beaver City. This was established by R. B. (Dick) Quinn in 1890 under the name of *The Hardesty Herald* and printed on the oldest press west of the Mississippi River. This is what was known as the Meeker press. This old press was in use at Pittsburgh, Pennsylvania, from 1817 to 1838, when it was taken to Ohio and used for nineteen years in printing early papers. In 1857 it was given to the Shawnee Baptist Mission near Topeka, Kansas. Its editor, John Meeker, so enraged the pro-slavery people that a group of them raided the print shop and threw the press into the Kaw River where it lay until after the close of the Civil War. It was finally resurrected and restored to its former use. This old press had been shipped by boat from Cincinnati, Ohio by the Ohio and Missouri Rivers and taken off the boat at Independence,

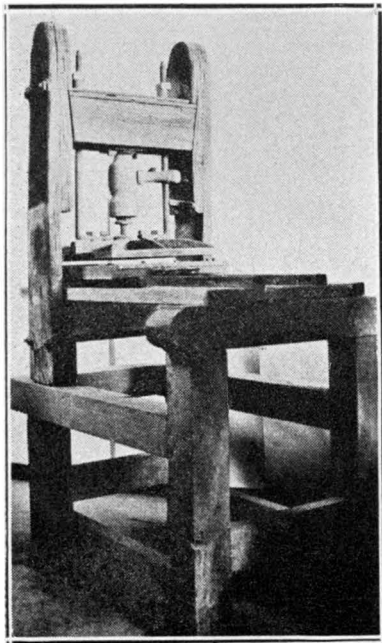


MARY NICHOLS BURCH

Born in Lebanon, Kansas. Came with her parents to Kiowa county, Oklahoma in 1901 where she attended her first school—in a tent—For seats in this tent school the children carried chairs from

their homes. On more than one occasion the tent was found blown to the ground and the children would wait for school to open until it could be erected. Except for one year spent in school at Los Angeles, Mrs. Burch has continuously resided in Texas county since 1906. An accomplished musician in piano and voice she has broadcast from Los Angeles and from stations in Kansas and Oklahoma. A student of music in Galesburg and Chicago, she has conducted private music classes for twenty-five years. She was married in Amarillo in 1919 to Mr. A. F. Burch. At time of publication of this volume she is President of Third District O. F. W. C.

Missouri. It was later used at Lawrence on which was printed "The Herald of Freedom," a free-state paper. It was while in use at Lawrence that it was thrown into the Kaw River. This old press is now the property of Mr. Giles E. Miller, editor of *The Guymon Herald* and may be seen in the Agricultural and Mechanical College at Goodwell. This is undoubtedly the oldest printing press, though not the first used, in Oklahoma.



The old Meeker printing press. First used in Pittsburgh, Pa., 1817. Now the property of Mr. Giles E. Miller of Guymon.

The squatters were allowed a credit of two years from the five-year residence period required of homesteaders as provided by the homestead laws, thus enabling them to obtain patents for their entries three years from date of filing.

Among other towns that died about the time of the coming of railroads were: Bothwell, west of Beaver, which at one time boasted a two-story hotel and a number of business houses; there was an attempt at founding a town known as Eagle City on the west bank of Fulton Creek a short distance east of Grand Valley, but it was too close to that town and died early; Old Hardesty was better advertised than other towns on account of the Hardesty Herald published there, but the editor forsook the place when the Rock Island was built some eighteen miles west of the town in 1900, when he "pulled stakes" and moved with his paper and other possessions to the new town of Sanford which was afterwards christened "Guymon." Here the editor and the paper were the same except that the paper was renamed the Guymon Herald. Other towns that died were: Central City, about seven miles up the Coldwater from Hardesty; Lavrock, a few miles north; Buffalo, a few miles up the Beaver west of Optima, was the town designated for the location of the land office, but which, as stated, was changed to Beaver. That spelled "finis" for Buffalo. Farther to the west in Cimarron county was the city of Mineral. This now deceased town deserves more than passing notice. About 1888 a thin vein of coal was discovered on what is now the W. E. Baker place. This discovery resulted in the organization of a Kansas company to mine coal and the city of Mineral was born, a post office was established and set up in a two-story rock building. The mail came in a spring wagon from Clayton, New Mexico, via Kenton. Owing to the lightness of the vein and the poor quality of the coal, efforts



MARY ELLA WRIGHT CAFKEY

Native of Illinois and graduate of Jacksonville Illinois Female College 1890. Resident of Forgan since 1915. Served as District President O. F. W. C., Vice President Democratic State Committee, Member of Board of Regents Tonkawa University Preparatory College seven years, Present member Board of Regents State Teachers College of Weatherford. Served as State Treasurer O. F. W. C. and holds membership in D. A. R. and P. E. O. Mother of six children and wife of Mr. O. H. Cafkey, banker at Forgan.

at mining proved unprofitable and the town scarcely made a start. Like crops without rain, Mineral without coal, died. John Skelley served for a time as postmaster and had a stock of general merchandise in the two-story rock building, but in 1902 took a claim east of the old rock store and moved the stock and the post office into a frame building. Both the stock of goods and the post office faded away. There were yet other towns which are now non-existent: Benton, Paladora, Meridian and Alpine, Madison, Holland, Lakemp, Lorera, Riverside, Floris, Pony Creek, Weitz, Redpoint Rice, Garlington, Willowbar, and Delfin. The coming of the railroads and changes in mail service brought about the death of most of these.

The country is now fairly well-supplied with railroads. The main line of the Rock Island over which passes the Golden State Limited enters Texas county northeast of Tyrone and extends through Tyrone, Hooker, Guymon, Optima, Goodwell and Texhoma. From a point near Guymon to just southwest of Dalhart, Texas, this line is the longest straight stretch of railroad in the world unless it may be a line recently built in the Argentine Republic in South America. Another Rock Island line extends southward from Liberal to Amarillo, passing through Texas county, serving the towns of Baker, Adams and Hardesty. The Atchison, Topeka and Santa Fe Railroad enters Texas county about seven miles east of the northwest corner and extends southwestwardly through Keyes and Boise City to Felt. Another Santa Fe line enters Cimarron county from the north, entering Boise City thence extending in a southeasterly direction leaves the county about six miles west of the southeast corner. The Missouri, Kansas and Texas Railroad extends from east to west almost through the three counties. Entering Beaver county a few miles east of Gate it extends in a gen-

eral westerly course, serving the towns of Gate, Knowles, Moccane, Forgan, Turpin, Baker, Hooker, Hough, Mauser, Tracy, Eva and forms a junction with the Santa Fe at Keyes. A branch of the M. K. & T. extends southward from near Forgan to Beaver. This short line of railroad deserves special notice.

A few years before any railroad was constructed in No Man's Land, the Santa Fe, Liberal and Englewood Railroad was proposed, it being an extension of the Santa Fe line from Englewood westward through the entire length of Old Beaver County to the town of Kenton near the northwest corner of the county. Nothing came of this, though in a few Government patents reservation for this right-of-way was reserved.

In 1909 Mr. Bailey Wagoner, a representative of the legal department of the Missouri Pacific Railway Company, in co-operation with local parties, organized The Beaver Valley and Northwestern Railroad Company. A federal charter was obtained under which construction was authorized along a line between Oklahoma City and Denver. Considerable "promotion" and right-of-way work was done on this line in 1909 and 1910. This prospect for a railroad also vanished as a mist.

Advance notice of the proposed building of the Wichita Falls and Northwestern (now the M. K. & T.), came to Beaver in 1910 and the citizens of Beaver at once exerted their efforts to secure the routing of the line up the south side of the river and through Beaver. But railroad companies have a habit of routing their lines over routes believed by them most conducive to the gathering of profits, and so built their line up the north side of the river to Forgan, some eight miles north of Beaver. This was a hard blow to Beaver. If the building of the Fort Worth and Denver Railroad

through the Texas Panhandle which destroyed the freight business over the Jones-Plummer Trail gave them cause for worry, this railroad deal made them sick. In 1910, 1911 and 1912 Beaver county was producing wheat on a large scale and during the marketing season there was a continuous procession of wheat-laden wagons through the main street of Beaver, down across the river and on to Forgan where the wheat was unloaded into elevators, and a goodly part of the money derived, spent in Forgan. This was fine for Forgan, but all too much for Beaver. Forgan was blameless and nothing anti-Forgan rankled in the bosoms of the Beaverites. But after witnessing this discouraging spectacle for some time, the people of Beaver who never acquired a reputation as "quitters," resolved to act. And from their determination to refuse to mourn, was born The Beaver, Meade and Englewood Railroad Company. This was purely a local organization, but an industrious and determined one, and after many tribulations, secured a line of railroad from Beaver to Forgan.

There was little money as yet in the country and the laws of Oklahoma forbade the voting of bonds for the promotion and building of railroads. The people of Beaver voted bonds for installing a light and water plant and diverted part of the proceeds from the sale of the bonds for the purchase of materials for use in the construction of a railroad from Beaver to Forgan. Most of the grading was done by farmers of the vicinity, using their teams and the county's road machinery. This work was donated, but the people of Beaver furnished feed for the teams. Besides this the business men of Beaver, by their contributions paid for a considerable part of the track laying.

With the money and labor thus obtained the road was completed to a point about half way between the two towns.

All available money had been spent and as yet no railroad connection was established with Forgan and no engine could come to Beaver to take out cars of wheat as long as there remained unlaidd one rail length of track. The line must be finished, but how?

At this juncture somebody thought of a man over the line at Hardtner, Kansas, one Jacob Achinbach who had solved a somewhat similar problem for himself and his community. He was offered the line as a gift on condition that he would take it over, complete the line and put it in operation. He accepted their proposition and the people of Beaver won their fight for a railroad.

Mr. Achinbach and his associates subsequently built the line westward from Forgan and extended it into Cimarron county and into one of the then best wheat-producing sections of the state. This road did a tremendous freight business. As it connected with the Santa Fe on the west and with the M. K. & T. on the east, Achinbach played one against the other and in 1931 sold to the Katy at a figure highly satisfactory to Mr. Achinbach. But Beaver secured a railroad and at present also has an efficient water system.

By the time of the passing of the Enabling Act nearly all the land of the country had been homesteaded except in Cimarron county. Under the act the State of Oklahoma was authorized to select un-entered lands and segregate them for the state. This accounts for the large amount of state-owned land in Cimarron county. When Cimarron county was organized, the state owned about 500,000 acres or nearly half of the land in the county. In 1912 fourteen townships or about 207,000 acres were segregated for oil and gas. In 1913 one of the largest land sales ever held in the state was conducted when about 200,000 acres were sold, and in 1916

another 100,000 acres were sold consisting of lands in sections 16-36-13-33.

Just why Boise City was so named does not seem to be definitely known. In the early days there was a cattleman in that vicinity by the name of H. S. Boise. It could have been named for Boise, Idaho. There was another post office in Oklahoma at the time named Boise and to distinguish it from that town the Cimarron county town added the word "City." Later the Oklahoma post office Boise was discontinued. As "City" was dropped from the name "Beaver City" in Beaver county, may we not well predict that in time the same will be done for Boise City in Cimarron county?

From the organization of the county until 1908 the county seat of Cimarron county was at Kenton. As this was in the extreme northwest corner of the county it would hardly be presumed that it would permanently remain there. Other towns aspired to be the county seat and this desire culminated in a county seat contest in 1908 with Boise City, Kenton, Cimarron, Esbon, Hurley, Garlington, and Center View as contestants. The primary election was held in August, 1908. There were too many towns in this race for any one to secure a majority vote though Boise City and Cimarron were the leading two. This necessitated a "run off" which resulted in the success of Boise City. The county seat was established in a two-story frame building in Boise City and this burned to the ground in October, 1920, with no material loss of records. Cimarron county now has a very beautiful and substantial court house.

Before the coming of a railroad to Boise City its nearest railroad point was Texhoma fifty-five miles distant from which point mail was brought over a star route. During the great blizzard of February, 1912, Boise City was without



The Beebe Family. Left to right they are: the father, John Beebe; his daughter May; his daughter Grace; his son Fred. John Beebe was a member of the first board of county commissioners for Beaver county and one of its best and most useful citizens.

telephone or mail communication for ten days and five more days elapsed before the arrival of newspapers. This storm began as a mist on Saturday, February 24, and by late afternoon had changed to snow. By the approach of darkness a blizzard was raging which continued until late Sunday afternoon. The storm was so blinding that families tied ropes to their doors to enable them to return after caring for their stock, and drifts were piled fifteen feet high. Food supply was nearly exhausted and an organized expedition started on sleds to Texhoma for food. This expedition returned a week later with about one fourth of a load. A little while after the departure of the Texhoma expedition, J. A. Margo left for Clayton, New Mexico with a strong four-horse team for fuel and arrived at Clayton three days later. He loaded with a ton and a half of coal and returned four days later with about three hundred pounds, he and the horses thoroughly exhausted, 2,700 pounds of coal having been dumped along the way to lighten the load. When, after a week's absence, his son Charles saw him approaching home, he rushed out to meet him, telling him to hasten on into the house and let him care for the team. He refused, insisting that he aid in caring for the team that had hauled him through drifts seven perilous days. This blizzard was the doom of the sheep industry in that section.

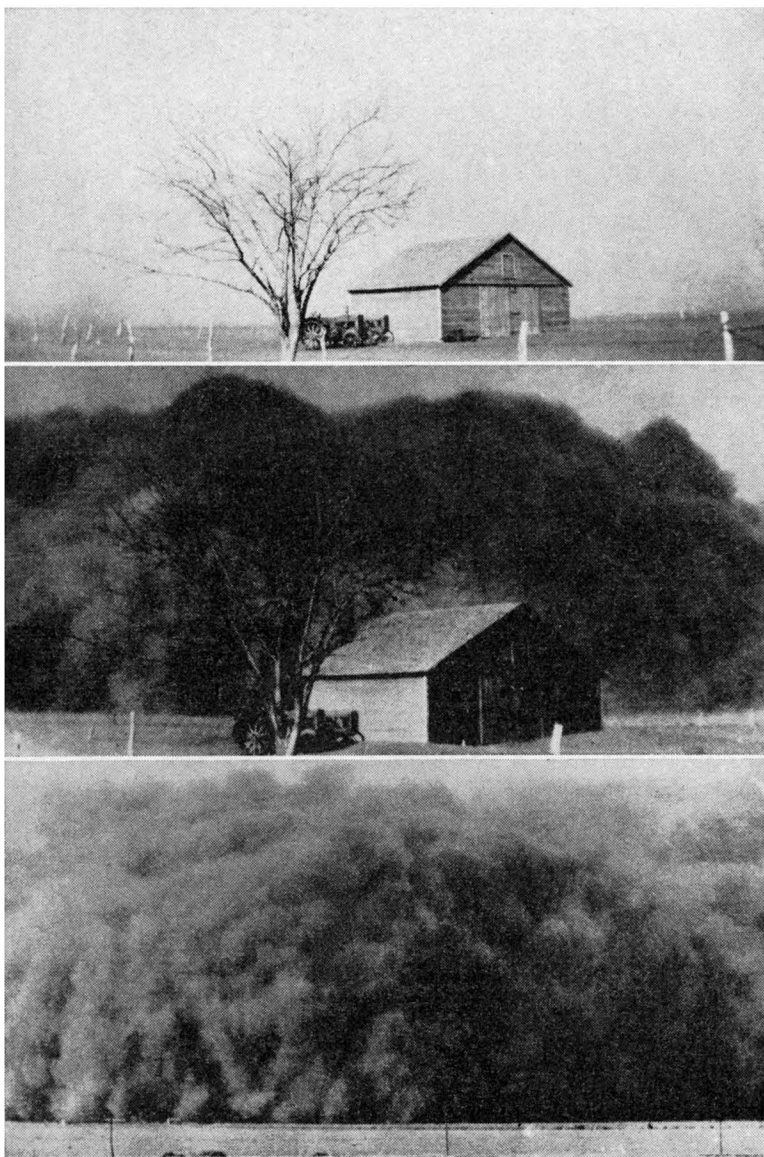
The first railroad train arrived in Boise City in December, 1925. This was a dry year, but during winter and spring snows and rains fell which produced a bountiful crop of wheat. This was the beginning of the heavy wheat-producing era in No Man's Land.

The heavy wheat crop of 1925 had a lasting effect on No Man's Land as it influenced the farmers to plow up thousands of acres that perhaps they never would have plowed but for the bountiful crop. The fall of 1927 was also dry,

but again snows in winter and rains in spring so changed the appearance of the wheat that another good crop was in prospect. About seven o'clock on the evening of June 21, 1928, a storm arose and within thirty minutes five hundred square miles was a field of ice which bore the wheat down to the ground and there sealed it over. This blasted all hopes for a wheat crop that year. Many of the farmers had insured their crops and by so doing partially retrieved their losses, but the loss of the insurance was so great that some almost went out of business. This hailstorm was a terrific blow to Cimarron county, but it went on producing wheat. The bountiful wheat-producing era, which ended with the big harvest of 1931, saw all available wheat land put under the plow and thousands of acres not really adapted to wheat raising were plowed up. The succession of dry years that followed saw a country with practically no wheat production and very little grass land. The sudden change from abundance to scarcity was a blow that was almost calamitous, but the people held on from year to year in the hope that each succeeding year was the last of the drouth era, only to have their hopes blasted and to witness another failure.

The failure of crops was but a part of the worries of the farmers of No Man's Land. The first good wheat crop was followed by a rush of high-powered salesmen of expensive machinery. Tractors, plows, harrows, drills and combines were freely purchased and this costly machinery, much of it unpaid for, stood unsheltered and idle, deteriorating in the wind and sun, and still the people, with their chins up, refused to acknowledge defeat.

As though the failure of crops and the tremendous loss on farm machinery were not enough, another and unexpected calamity—the terrible dust storms—afflicted the country. To one who has never seen one of these black monsters of the



A DUST STORM DOING ITS WORST

The three pictures above were taken by the same camera from the same position and within a few minutes of each other. Upper shows premises a little while before the storm is near enough to photograph. Center view, storm a few minutes later as it nears. Lower view, immediately after, when premises are enveloped in the black dust.

plains in action an adequate conception of its appearance, behavior or effect is almost impossible. In their worst form they struck with unexpected suddenness and almost instantly changed the light of day to total darkness. Chickens scurried to shelter and to their perches and residents resorted to the use of lamps for light which even inside was but a haze created by the flour-like dust that forced its way through the tiniest crevices. To guard against such, many used strips of adhesive paper around their doors and windows; but it was wholly impossible to keep the dust out of houses. In many instances following a severe dust storm, the dust was scooped from the floors in shovels. During the intensity of one of these worst storms, one could not see his hand a foot from his face and autoists were compelled to stop when the storm struck and remain until it cleared away which, ordinarily was less than an hour and often less than thirty minutes; but during which time he sat in his car unable to see his windshield. I have tried to picture one of these storms in its fiercest form. There were many of less degree of intensity when visibility might be a hundred yards, a half mile or a mile.

During one of the storms many hundreds of tons of loosened soil was blown through the air, which in the form of fine sand drifted like snow during a blizzard; in many places hiding fences, blocking roads and covering farm machinery. Many farms were converted into billowy seas of drifted sand.

With the failure of crops, the continued years of drouth and the intermittent dust storms it would appear that the people would be thoroughly discouraged and want to leave the country. Some have given up the fight, but many yet remain waiting for the time when copious rains, the cessation

of dust storms and raising of crops will again make the country bloom.

During one of the worst drouth seasons and when the dust storms were prevalent the Secretary of Interior suggested the removal of the people from that section. This aroused a storm of protest in No Man's Land and made the stout-hearted all the more determined to remain. They scorned the idea of a forced removal. It was all very well if they wished to go of their own accord, they reasoned, but for the Government to say to them they must go was a little too much like the forced removal of the Acadians which to this day is a blot on a page of England's history.

The dust storms which have plagued northwest Oklahoma, northwest Texas, northeast New Mexico, southeast Colorado and southwest Kansas are the results following in the wake of too much plowed land. That section of country, perhaps has no more nor no fiercer winds than it had when it was a grass country, but those winds did not pick up the fine, loose soil and hurl it through the air. That country will again have rains, but just when it will again have grass is another question. The resort to row crops may be one of the means to bring the country back to the condition it once enjoyed. Many plans have been proposed to this end, but it is the judgment of the writer that the people of No Man's Land know more about the proper methods to be employed than do any outsiders. It is also the judgment of the writer that the country will "come back." It is to-day inhabited by as fine a class of people as exist on the continent. They are just as industrious, just as honest, just as friendly, just as intelligent and kind, and seemingly just as happy as in any other like section. The three counties of No Man's Land have more mileage of state and national highways than any other three in Oklahoma. There is no



JIM WILCOX

Pony Express rider who made the long fast ride from Guymon to Oklahoma City as a feature of the 1937 annual old-timers celebration at Guymon.

other section of equal area so generally blessed with an abundance of good water. There is no other section of the state where the climate, except for the dust storms which occasionally come, is more salubrious or healthful. They are entitled to as much Government help in their earnest efforts to make a living as that accorded to any other section. They only ask a fair chance and this they confidently and rightfully expect. Hats off to the people of No Man's Land!

TO THE FELLOW WHO'LL TAKE MY PLACE.

Here is a toast that I want to drink
To a fellow I'll never know—
To the fellow who's going to take my place
When it's time for me to go.
I've wondered what kind of a chap he'll be,
And I've wished I could take his hand,
Just to whisper, "I wish you well, old man,"
In a way that he'd understand.

I'd like to give him the cheering word
That I've longed at times to hear;
I'd like to give him the warm hand-clasp
When never a friend seemed near.
I've learned my knowledge by sheer hard work,
And I wish I could pass it on
To the fellow who'll come to take my place
Some day when I'm gone.

Will he see all the sad mistakes I've made,
And note all the battles lost,
Will he ever guess the tears they caused
Or the heartaches which they cost,
Will he gaze through the failures and fruitless toil
To the underlying plan,
And catch a glimpse of the real intent,
And the heart of the vanquished man?

I dare to hope that he may pause some day,
As he toils as I have wrought,
And gain some strength for his weary task
From the battles I have fought.
But I've only the task itself to leave,
With the cares for him to face,
And never a cheering word to speak,
To the fellow who'll take my place.

Then here's to your good health, old chap,
I drink as a bridegroom to his bride;
I leave an unfinished task for you,
But God knows how I've tried.
I've dreamed my dreams as all men do,
But never a one came true,
And my prayer to-day is that all my dreams
May be realized in you.

And we'll meet some day in the great unknown—
Far out in the realms of space;
You'll know my clasp when I take your hand
And gaze into your tired face.
Then all failures will be success
In the light of the new-found dawn—
So to-day I'm drinking your health, old chap,
Who'll take my place when I'm gone.

—Author unknown.

ACKNOWLEDGMENTS.

When Will Rogers read "THE CHEROKEE STRIP" he wrote from Beverly Hills a letter in which was the following paragraph:

"Writing a history of anything must be terrible hard, for so many are living. If ever I write anything historical, I am going to write it on Rome or Greece, somewhere the old boy's children can't bring a shotgun or a lawsuit when I tell the truth."

Will Rogers wrote the truth. Writing history is hard; not that the truth is difficult to tell, but sometimes difficult to discover. The writer of fiction evolves the plot, withdraws to his study, and the finished story presently comes forth. Not so with the writer of history. He must travel far; interview many persons and write and receive many letters. It is said that the Eastman Company paid \$10,000 to the person who suggested the sentence: "If it isn't an Eastman it isn't a kodak." The writer of history must ever keep in mind another sentence: "If it isn't truth it isn't history."

Among the many persons who have kindly contributed to whatever success may come to this volume I desire to mention the following:

Casper W. Herod, Woodward, Oklahoma.

Hon. R. L. Williams, Judge U. S. Circuit Court, who supplied accurate data on the court proceedings involving the "Hay Meadow Massacre."

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Maude O. Thomas, Beaver, Oklahoma, also long an editor in No Man's Land and who has kept in close touch with events in that country.

Fred Tracy, an early and present resident of Beaver for supplying a brief outline of the history of that section written by himself.

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